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Attorney General

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FILED
JAN 05 2021
Department of Insurance
State of Idaho

Attorney for Idaho Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE
STATE OF IDAHO

IDAHO DEPARTMENT OF INSURANCE,

Complainant,

vs.

ISAAC TOVAR, an individual holding Idaho
Resident Producer License No. 754078,

Respondent.

Docket No. 18-3877-20

ORDER OF DEFAULT

The Director of the Idaho Department of Insurance (“Director”) having reviewed the record herein; and ISAAC TOVAR (“TOVAR”), who currently holds Idaho Resident Producer License No. 754078, having been lawfully served the Verified Complaint and Notice of Right to Hearing, a copy of which is attached hereto as Exhibit A and incorporated herein, and, as evident from the Statement of Counsel of Michael Witry, having failed to file an answer thereto and having failed to request a hearing regarding said Verified Complaint; and the Director having found as a result

thereof that TOVAR has waived his rights regarding the opportunity for hearing; and in consideration of the above;

IT IS HEREBY ORDERED that Idaho Resident Producer License No. 754078 issued to TOVAR is REVOKED effective immediately.

IT IS FURTHER ORDERED that TOVAR shall not be issued a new license under title 41, Idaho Code, for a period of five (5) years after which time, in the event TOVAR seeks a new license, TOVAR must petition and show good cause why the prior revocation should not be deemed a bar to the issuance of a new license.

IT IS FURTHER ORDERED that TOVAR shall pay to the Idaho Department of Insurance an administrative penalty of Two Thousand Dollars (\$2,000).

DATED this 4th day of January, 2021.

STATE OF IDAHO
DEPARTMENT OF INSURANCE


DEAN L. CAMERON
Director

NOTIFICATION REGARDING REPORTABLE PROCEEDINGS

This is considered a reportable administrative proceeding. As such, it is a public record and is public information that may be disclosed to other states and reported to companies of which you are actively appointed. This information may be reported to other government agencies. Be aware that you may be required to disclose this proceeding on any license application, and you may be required to report this action to any and all states in which you hold a license.

NOTIFICATION OF RIGHTS

This constitutes a final order of the agency. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The agency will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See Idaho Code § 67-5246(4).*

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order, or (b) an order denying a petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. *See Idaho Code § 67-5273.* The filing of a petition for judicial review to the district court does not itself stay the effectiveness or enforcement of the order under appeal. Idaho Code § 67-5274.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of January, 2021, I caused a true and correct copy of the foregoing ORDER OF DEFAULT to be served upon the following by the designated means:

Isaac Tovar
1206 N. Galleria Drive
Nampa, ID 83687-5228

- ☒ first class mail
- ☐ certified mail
- ☐ hand delivery
- ☐ facsimile
- ☐ email

Isaac Tovar
2025 E. White Oak Court, Apt. 102
Nampa, ID 83687-5040

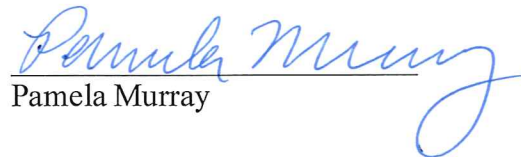
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- ☐ certified mail
- ☐ hand delivery
- ☐ facsimile
- ☐ email

Isaac Tovar
619 S 4th Ave
Othello, WA 99344-1745

- ☒ first class mail
- ☐ certified mail
- ☐ hand delivery
- ☐ facsimile
- ☐ email

Michael Witry
Deputy Attorney General
Idaho Department of Insurance
PO Box 83720
Boise, Idaho 83720-0043

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Pamela Murray

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Department of Insurance
State of Idaho

Attorneys for Idaho Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE
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IDAHO DEPARTMENT OF INSURANCE,

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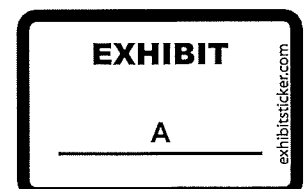
Respondent.

Docket No. 18-3877-20

**VERIFIED COMPLAINT AND
NOTICE OF RIGHT TO HEARING**

COMES NOW the staff of the Idaho Department of Insurance (“Department”), by and through its undersigned counsel, Michael Witry, Deputy Attorney General, and does hereby give notice of verified allegations constituting violation(s) of Idaho law, notice that relief will be requested from the Director of the Department, and a notice of the right to contest the allegations and requested relief herein and right to hearing to:

ISAAC TOVAR
Idaho Resident Producer License No. 754078



The Department alleges the following facts and violations of title 41, Idaho Code, as itemized below. The Department will present an order seeking the relief described below upon twenty-one (21) days following service of this Verified Complaint, and ISAAC TOVAR is further notified of his right to object to the requested relief, including the basis for any objection, and to request a hearing in writing.

JURISDICTION

1. Jurisdiction in this matter is founded in the Idaho Insurance Code, Idaho Code § 41-101 et seq., including Idaho Code § 41-210, which authorizes the Director of the Department of Insurance (“Director”) to enforce the provisions of title 41 of the Idaho Code, including those governing Respondent’s activities as an insurance producer.

2. Jurisdiction is further founded in Idaho Code § 41-213, which authorizes the Department to institute such proceedings as deemed necessary for the enforcement of any provision of the Idaho Insurance Code including, but not limited to, license revocation and the imposition of administrative penalties.

RESPONDENTS

3. ISAAC TOVAR (hereinafter “TOVAR”) was and is an Idaho and/or Washington resident during all pertinent times as alleged herein and carries Idaho Resident Producer License No. 754078, which license is due to expire on September 30, 2021.

CONTROLLING LAW

4. Idaho Code § 41-1009(3) provides that a resident producer who moves from Idaho to another state shall file a change of address with the Department and provide certification from the new resident state within thirty days of the change of legal residence.

5. Idaho Code § 41-1016(1) provides that the Director may suspend, revoke or refuse to issue or renew a producer's license and may impose an administrative penalty up to one thousand dollars (\$1,000), if the Director finds that any of the causes or violations set forth in subsections 41-1016(1)(a) through (o) exist, including specifically subsections (b) and (e), which prohibit:

(b) Violating any provision of title 41, Idaho Code, department rule, subpoena or order of the director or of another state's insurance director;

...

(e) Misrepresenting the terms of an actual or proposed insurance contract or application for insurance or misrepresenting any fact material to any insurance transaction or proposed transaction;

6. Idaho Code § 41-117 provides that each instance of violation may be considered a separate offense.

7. Pursuant to Idaho Code § 41-1026(3), the Director shall not issue a license under title 41, Idaho Code, to any person whose license has been revoked until after the expiration of not less than one (1) year to a maximum of five (5) years and, upon a former licensee's application for re-licensure, the Director may require the former licensee "to show good cause why the prior revocation ... shall not be deemed a bar to the issuance of a new license."

COUNT I

8. All of the foregoing paragraphs are realleged and incorporated herein as though set forth in full.

9. On or about December 18, 2019, at approximately 3:00 p.m., TOVAR was involved in a motor vehicle accident with an Idaho resident referred to herein as C.M.

10. TOVAR was driving a 2007 Jeep Compass in this accident. The vehicle was not insured.

11. On or about December 18, 2019, at approximately 3:29 p.m., TOVAR called Dairyland Insurance Company (“Dairyland”) to purchase a liability-only insurance policy on the Jeep Compass.

12. TOVAR did not disclose the accident to Dairyland.

13. C.M. filed a claim for this accident.

14. During Dairyland’s investigation of this claim, TOVAR falsely asserted that the accident took place after he purchased the policy.

15. TOVAR violated Idaho Code § 41-1016(1)(e) by materially misrepresenting that the Jeep Compass had not been in an accident when he purchased the policy from Dairyland.

COUNT II

16. All of the foregoing paragraphs are realleged and incorporated herein as though set forth in full.

17. TOVAR received a license as an Idaho Resident Producer on November 19, 2019, listing a residential address in Nampa, Idaho.

18. When TOVAR purchased his policy from Dairyland on December 18, 2019, TOVAR listed a residential address in Othello, Washington.

19. TOVAR did not notify the Department that he was no longer an Idaho resident.

20. TOVAR violated Idaho Code § 41-1016(1)(b) by failing to notify the Department that he had moved out of state within thirty days of the move in violation of Idaho Code § 41-1009(3).

PRAYER FOR RELIEF

Based on the foregoing facts and allegations, the Department prays for relief as follows:

1. For an Order revoking ISAAC TOVAR's Idaho Resident Producer License No. 754078, and providing that TOVAR shall not be issued a new license under title 41, Idaho Code, for a period of five (5) years after which time, in the event TOVAR seeks a new license, TOVAR must petition and show good cause why the prior revocation should not be deemed a bar to the issuance of a new license; and

2. For an Order imposing an administrative penalty against TOVAR in the amount of \$1,000 for each violative act as alleged herein in such total number as shall be proven at hearing, but, in the event of a default, an amount not less than Two Thousand Dollars (\$2,000), which represents \$1,000 per violation of title 41, Idaho Code, as alleged herein; and

3. For such other and further relief as the Director deems just and necessary under the circumstances.

NOTIFICATION OF RIGHTS

TO: ISAAC TOVAR, the above-named RESPONDENT:

Pursuant to Idaho Code § 41-232A, you have the right to a hearing on this matter. In order to exercise this right, a written request for a hearing must be filed and served upon the Department within twenty-one (21) days after service of this Complaint. Failure to file and serve a written request for a hearing upon the Department within the 21-day time period shall be deemed a waiver of the opportunity for a hearing and to contest the allegations in the Complaint, pursuant to Idaho Code § 41-232A(2). If you fail to submit a timely written response to the allegations within 21 days of the service of this Complaint, a final order will be entered imposing the relief described above.

Any written request for a hearing shall be served on the Director of the Idaho Department of Insurance, addressed as follows:

Dean L. Cameron, Director
Idaho Department of Insurance
P.O. Box 83720
Boise, ID 83720-0043

A copy shall also be provided to the Department's counsel in this matter at the following address:

Michael Witry
Deputy Attorney General
Idaho Department of Insurance
P.O. Box 83720
Boise, ID 83720-0043

In lieu of a hearing, this matter may be resolved by negotiation, stipulation, agreed settlement, or consent order, pursuant to Idaho Code § 67-5241(1)(c). Should you wish to discuss these options, please contact the undersigned deputy attorney general.

DATED this 8th day of December, 2020.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

/s/
MICHAEL WITRY
Deputy Attorney General
Attorneys for Idaho Department of Insurance


VERIFICATION

STATE OF IDAHO)
 : ss.
County of Ada)

RANDALL M. PIPAL, Bureau Chief of the Consumer Services Bureau of the Department of Insurance, State of Idaho, being first duly sworn, deposes and says:

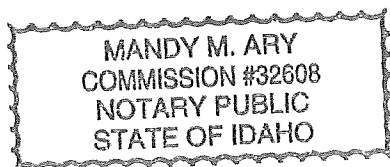
I have read the foregoing Verified Complaint and Notice of Right to Hearing and know the contents thereof and the same are true to the best of my knowledge and belief.

Dated this 8th day of December 2020.



RANDALL M. PIPAL
Bureau Chief
Consumer Services Bureau

8th SUBSCRIBED AND SWORN to before me the undersigned Notary Public of Idaho this
day of December 2020.





Notary Public for Idaho
My Commission Expires 7/24/24

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of December 2020, I caused a true and correct copy of the foregoing VERIFIED COMPLAINT AND NOTICE OF RIGHT TO HEARING to be served upon the following by the designated means:

Isaac Tovar
1206 N. Galleria Drive
Nampa, ID 83687-5228

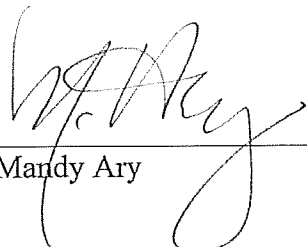
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- ☐ via facsimile

Isaac Tovar
2025 E. White Oak Court, Apt. 102
Nampa, ID 83687-5040

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619 S 4th Ave
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Mandy Ary