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Department of Insurance
State of Idaho

Attorneys for the Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

IDAHO DEPARTMENT OF INSURANCE,

Complainant,

vs.

ROCHELLE HORTON LUND, an individual
holding Idaho Resident Producer License No.
470795,

Respondent.

Docket No. 18-3889-21

STIPULATION AND FINAL ORDER

The parties herein, namely the Idaho Department of Insurance ("Department") and ROCHELLE HORTON LUND ("LUND"), do hereby enter into this Stipulation to resolve as between them the matters at issue in Department Docket No. 18-3889-21 and do hereby stipulate and agree as follows:

JURISDICTION & PROCEDURE

1. The Director of the Idaho Department of Insurance (“Director”) has jurisdiction over the subject matter herein, pursuant to the Idaho Insurance Code, Idaho Code §§ 41-101 *et seq.*, and the rules promulgated thereunder.

2. Pursuant to Idaho Code § 41-213, the Department may institute such proceedings as deemed necessary for the enforcement of any provision of the Idaho Insurance Code, including but not limited to suspension or revocation of insurance licenses and the imposition of administrative penalties.

3. LUND holds Idaho Resident Producer License No. 470795, which license was originally issued on December 12, 2013.

4. On January 11, 2021, the Department filed and served on LUND a Verified Complaint and Notice of Right to Hearing (“Verified Complaint”) in Docket No. 18-3889-21.

5. On January 27, 2021, LUND, through counsel, submitted a response to the Complaint, indicated her intent to defend against the allegations made by the Department, and requested a hearing.

6. Thereafter, the Director of the Department appointed a hearing officer to preside over the matter, and a hearing was set for April 8, 2021.

AGREEMENT

7. In lieu of proceeding to a hearing on the Complaint, the Department and LUND agree to resolve as between them the matters at issue in the above-entitled matter through this negotiated and stipulated settlement; wherefore, the Department and LUND stipulate and agree to the following terms:

- a. LUND admits to demonstrating incompetence and being a source of injury or loss to others in the conduct of business in Idaho, in violation of Idaho Code § 41-1016(1)(h), on two occasions, by falsely answering on two insurance applications that the applicants did not have other existing coverage;
 - b. An administrative penalty of One Thousand Dollars (\$1,000) per violation shall be imposed against LUND, for a total penalty of Two Thousand Dollars (\$2,000), to be paid in full within six (6) months of entry of the Final Order herein;
 - c. LUND's Idaho Resident Producer License No. 470795 shall be revoked, and LUND shall not submit, nor shall the Department consider, any application by LUND for any license authorized under title 41, Idaho Code, for a period of one (1) year commencing on the date of entry of the Final Order herein;
 - d. In the event LUND files an application for a license under title 41, Idaho Code, after expiration of the one-year period, LUND agrees that in accordance with section 41-1026(3), Idaho Code, the director may require the applicant to show good cause why the prior revocation shall not be deemed a bar to the issuance of a new license.
 - e. Before the Idaho Department of Insurance will consider any such application for a license under title 41, Idaho Code, as stated in the foregoing paragraph, any administrative penalty shall have been paid in full.
8. In agreeing to the provisions stated hereinabove, LUND knowingly and voluntarily waive any rights she may have to dispute the issues of fact and law raised in the above-entitled matter, including but not limited to the rights afforded by Idaho Code § 41-232A, which provides for the right to a hearing; the right to be represented at a hearing by counsel chosen and retained

by LUND; the right to present a defense, oral and documentary evidence and to cross-examine witnesses at such hearing and the right to seek judicial review or appeal the Final Order entered herein.

9. The Department and LUND each agree that this Stipulation is a full and final settlement of the issues raised between them in the above-entitled matter, namely Docket No. 18-3889-21.

10. LUND understands and acknowledges that the Department may take such lawful actions as may be required or appropriate to investigate and determine whether LUND is in compliance with this Stipulation and the Final Order approving this Stipulation.

11. In the event that the Department takes action relating to alleged violations of this Stipulation or the Final Order approving this Stipulation, the Stipulation and Final Order shall be admissible in full in that proceeding for any purpose.

12. The Department and LUND enter into this Stipulation freely and voluntarily, after having had the opportunity to consult with counsel of their choice, and with full understanding of the legal consequences of this Stipulation and the Final Order approving this Stipulation.

13. LUND agrees that, upon execution of this Stipulation, no subsequent action or assertion shall be maintained or pursued in any manner asserting the invalidity of this Stipulation and Final Order and its provisions.

14. LUND understands that this Stipulation and the Final Order approving this Stipulation shall be reported to the Regulatory Information Retrieval System ("RIRS") maintained by National Association of Insurance Commissioners ("NAIC").

Approved as to Form:

BEARD ST. CLAIR GAFFNEY PA

By: 

Jared W. Allen

Attorney for Respondent

AGREED THIS 29th day of April, 2021.

STATE OF IDAHO
DEPARTMENT OF INSURANCE

By: 

Randall Pipal

Bureau Chief, Consumer Services

Idaho Department of Insurance

Approved as to Form:

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By:  30 Apr 2021

John C. Keenan

Deputy Attorney General

Attorney for the Idaho Department of Insurance

FINAL ORDER

The Director having reviewed the Stipulation entered hereinabove, and having found that there is a basis in fact for the admission therein, and in consideration of the premises;

IT IS HEREBY ORDERED that the preceding Stipulation is APPROVED and ADOPTED in full and incorporated in this Final Order as if set forth herein;

IT IS FURTHER ORDERED that an administrative penalty in the sum of Two Thousand Dollars (\$2,000) is hereby imposed against ROCHELLE HORTON LUND, to be paid in full within six (6) months of entry of this Final Order;

IT IS FURTHER ORDERED that Idaho Resident Producer License No. 470795 held by ROCHELLE HORTON LUND is hereby REVOKED;

IT IS FURTHER ORDERED that ROCHELLE HORTON LUND shall not submit, nor shall the Department consider, any application for any license authorized under title 41, Idaho Code, from ROCHELLE HORTON LUND for a period of one (1) year after entry of this Final Order;

IT IS FURTHER ORDERED that, in the event ROCHELLE HORTON LUND files an application for a license under title 41, Idaho Code, after expiration of the one-year period, she shall be required to show good cause why the prior revocation shall not be deemed a bar to the issuance of a new license; and,

IT IS FURTHER ORDERED that, in the event ROCHELLE HORTON LUND files an application for a license under title 41, Idaho Code, after expiration of the one-year period, the Department of Insurance shall not consider such application until such time as the administrative penalty as imposed herein has been paid in full.

IT IS SO ORDERED.

DATED this 30th day of April, 2021.

STATE OF IDAHO
DEPARTMENT OF INSURANCE


DEAN L. CAMERON
Director

NOTIFICATION OF RIGHTS

This is a final order of the Director of the Idaho Department of Insurance and is effective immediately. 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 or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or operates its principal place of business in Idaho, or
- iv. The real property or personal property that was the subject of the agency action is located.

An appeal must be filed within twenty-eight (28) days of (a) the service date of this final order, (b) an order denying 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 an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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 will be reported to the National Association of Insurance Commissioners (NAIC) and will appear in the Idaho Department of Insurance's online searchable database. 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 an insurance license.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of May, 2021, I caused a true and correct fully-executed copy of the foregoing STIPULATION AND FINAL ORDER to be served on the following by the designated means:

Jared Allen
BEARD ST. CLAIR GAFFNEY PA
955 Pier View Drive
Idaho Falls, ID 83402

☒ first class mail
☐ certified mail
☐ hand delivery

John C. Keenan
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043

☐ first class mail
☐ certified mail
☒ hand delivery

and upon the following insurers by first class mail, postage prepaid:

5 Star Life Insurance Company
909 N. Washington St
Alexandria, VA 22314

Nippon Life Ins. Co. of America
655 3rd Ave, Fl. 16
New York, NY 10017-9113

Alpha Property & Casualty Ins. Co.
12926 Gran Bay Parkway West
Jacksonville, FL 32258

VSP Vision Care, Inc.
3333 Quality Drive
Rancho Cordova, CA 95670-7985

American Family Life Assurance
Co. of Columbus
1932 Wynnton Rd
Columbus, GA 31999-0001

Washington National Ins. Company
11825 North Pennsylvania Street
Carmel, IN 46032



Pamela Murray