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JUL 02 2008
Department of Insurance
State of Idaho

Attorneys for Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:)
)
MICHELLE C. FOSTER)
Non-Resident Producer)
License No. 137843)
)
)
_____)

Docket No. 18-2459-08

ORDER OF REVOCATION

WHEREAS, MICHELLE C. FOSTER (“FOSTER”), is a duly licensed non-resident producer in the state of Idaho, holding producer license No. 137843 and is therefore subject to the provisions of Title 41, Idaho Code, and to the rules of the Department promulgated thereunder; and

WHEREAS, on or about May 15, 2006, FOSTER submitted an electronic non-resident producer license application to the Department. On that application, question #1 under “Background Questions” asks, “Have you ever been convicted of, or are you currently charged with, committing a crime, whether or not adjudication was withheld? FOSTER answered that question “no”. The application was signed under the penalty of perjury; and

WHEREAS, on November 13, 2007, the Washington state Office of the Insurance Commissioner (OIC) entered an order revoking the insurance agent license of FOSTER, effective December 3, 2007. The Washington OIC revocation order is based on FOSTER'S failure to respond to letters from the OIC requesting information regarding criminal charges found on a routine background check; and

WHEREAS, on or about March 14, 2008, the Department received a letter from FOSTER informing it of the Washington administrative action taken against her. In such letter FOSTER admitted being charged with embezzlement in the state of Virginia sometime in 1992. FOSTER admitted that the answer was false; and

WHEREAS, on or about March 17, 2008, the Department sent a letter to FOSTER, via certified mail, summarizing her obligation to notify the Department of any administrative action pursuant to Idaho Code § 41-1021(1), as well as notifying the Department of an change of address within thirty (30) days of the address change pursuant to Idaho Code § 41-1008(6). The letter also inquired of FOSTER as to her answer of "no" to the question regarding the applicant's criminal history on the producer license application. The letter was signed for upon delivery by Gwen Coston on March 20, 2008; and

WHEREAS, that on the 19th day of May, 2008, a Verified Notice of Violation and Right to Hearing ("Notice") was provided to FOSTER via first class U.S. Mail and via certified mail, said notice is on file herein; and

WHEREAS, FOSTER was given notice therein of the alleged violation and the right to hearing on the above entitled matter within 21 days of the date of the issue of the Notice; and

WHEREAS, The Idaho Department of Insurance has received no notice or request, orally or in writing, from FOSTER making a request for hearing as notified herein and to answer to the allegations set forth in said Notice; and

WHEREAS, based upon the foregoing, it is proper that a final order be entered into herein;

NOW, THEREFORE, UPON REVIEW OF THE PREMISES AND THE RECORD HEREIN, IT IS HEREBY ORDERED AS FOLLOWS:

IT IS ORDERED THAT the non-resident producer license of MICHELLE C. FOSTER is hereby revoked pursuant to Idaho Code §§ 41-1008(6), 41-1016(1)(a) and 41-1021(1); and MICHELLE C. FOSTER is hereby ORDERED to return non-resident producer license number 137843 to the Idaho Department of Insurance at 700 West State St., 3rd Floor, Boise, Idaho 83720 upon receipt of this executed order.

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 their 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.

IT IS SO ORDERED.

DATED and EFFECTIVE this 2nd day of July 2008.



WILLIAM W. DEAL, Director
Idaho Department of Insurance

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have on this 2nd day of July 2008, caused a true and correct copy of the foregoing document to be served upon the following by the designated means:

Michelle C. Foster
Sutherland Global Services, Inc.
2809 S. Lynnhaven Rd., Ste. 250
Virginia Beach, VA 23452

first class mail
 certified mail
 hand delivery
 via facsimile

Michelle C. Foster
4817 Marlwood Way
Virginia Beach, VA 23462

first class mail
 certified mail
 hand delivery
 via facsimile

United Healthcare Insurance Company
Attn: Agent Licensing
450 Columbus Blvd. 4NBA
P.O. Box 150450
Hartford, CT 06115-0450

first class mail
 certified mail
 hand delivery
 via facsimile

Michael K. Naethe
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first class mail
 certified mail
 hand delivery
 via facsimile



Teresa Jones
Assistant to the Director