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APR 02 2009

**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:)
)
)
KIMBERLY JOANN ROSTAD,)
Resident Bail Agent License No. 112673)
Resident Producer License No. 50181)
_____)

Docket No. 18-2520-09

STIPULATION AND ORDER

STIPULATION

COMES NOW the Department of Insurance, State of Idaho (Department), by and through its counsel, Mitchell E. Toryanski, Deputy Attorney General, and KIMBERLY JOANN ROSTAD, agree as follows:

1. KIMBERLY JOANN ROSTAD (“ROSTAD”) was at all times relevant hereto a licensed Idaho bail agent, holding Resident Bail Agent License No. 112673 from April 13, 1996 until December 26, 2008 when the license reverted to an inactive status due to expiration of ROSTAD’s surety performance bond required by Idaho Code § 41-1040.

2. ROSTAD is and at all times relevant hereto has been a licensed insurance producer holding Resident Producer License No. 50181.
3. As a consequence of ROSTAD's status as a licensed bail agent and insurance producer at all times relevant hereto, she falls within the jurisdiction of the Director of the Idaho Department of Insurance (Department) and Title 41 of the Idaho Code.
4. On or about September 6, 2006, Magistrate Judge Gregory F. Frates of the Third Judicial District of the State of Idaho ordered Defendant DAVID LEE DEAN ("DEAN"), a registered violent sexual predator, held on a \$200,000.00 bond for the charge of rape.
5. On or about September 14, 2006, ROSTAD's authority to execute bail bonds on behalf of SAFETY NATIONAL CASUALTY CORPORATION ("SNCC") was limited to \$25,000.00 except when SNCC granted prior permission and authorization to exceed that amount.
6. On or about September 14, 2006, ROSTAD received from SNCC pre-issued Bond Power Form No. S100-1265450.
7. Bond Power Form No. S100-1265450 is a Power of Attorney document wherein SNCC certifies that its agent or attorney-in-fact has the authority to execute, seal and deliver for and on its behalf a bail bond for a sum not to exceed \$100,000.00.
8. Terms of Bond Power Form No. S100-1265450 specify that the Power is void if altered or used to furnish bail in excess of its stated face amount.
9. On or about September 14, 2006, ROSTAD appeared at the Washington County jail in Weiser, Idaho to transact a bond for DEAN.
10. Prior to transacting the bond for DEAN, Bond Power Form No. S100-1265450 was altered to reflect a power amount of \$200,000.00 or double its stated face amount.
11. ROSTAD executed the altered Bond Power Form for DEAN in an amount of \$200,000.00.

12. On or about September 14, 2006, ROSTAD also executed an Appearance Bond binding SNCC to pay the STATE OF IDAHO the sum of \$200,000.00 should DEAN not appear before the Court when ordered and delivered the Appearance Bond together with the altered Bond Power Form to Deputy Ada County Sheriff Jeff Anderson to effect DEAN'S release.
13. By delivering the altered Bond Power Form No. S100-1265450, ROSTAD violated Idaho Code § 41-1016(e) by misrepresenting a fact material to an insurance transaction.
14. As a consequence of this violation, ROSTAD agrees to a one-year suspension of her Resident Bail Agent License No. 112673 and Resident Producer License No. 50181 beginning January 8, 2009.
15. For one (1) year following the period of suspension, ROSTAD agrees to conduct insurance business under the following conditions:
 - a. ROSTAD will conduct all insurance business under the direction of a suitable sponsor who is a licensed resident producer and resident bail agent and who will assume responsibility for all of her actions in the conduct of insurance business;
 - b. All of ROSTAD's accounts will be subject to periodic DOI audits; and
 - c. The Director of the Department of Insurance may revoke ROSTAD's licenses without the right to a prior hearing, if he determines that the interests of insured or the public are endangered.
16. The parties agree that the terms of this Stipulation are appropriate and proper under the circumstances referenced herein, and that they have entered into this Stipulation knowingly, voluntarily, and with full knowledge of any rights they may be waiving thereby. Additionally, the parties hereby waive the right to seek reconsideration and judicial review of the attached order.

DEPARTMENT OF INSURANCE
STATE OF IDAHO

Mitchell E. Toryanski Dated this 2nd day of April, 2009.
By: MITCHELL E. TORYANSKI
Deputy Attorney General

KIMBERLY JOANN ROSTAD

Kimberly J. Rostad Dated this 1 day of April, 2009.
By: KIMBERLY JOANN ROSTAD

ORDER

IT APPEARING FROM THE FOREGOING THAT GOOD CAUSE EXISTS, IT IS
HEREBY ORDERED that the foregoing Stipulation of the parties is adopted and accepted in full
and made a part of this Order, effective as of the date executed by the Director.

DATED this 3RD day of April, 2009.



WILLIAM W. DEAL

Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have on this 2nd day of ~~August 2008~~ ^{April 2009}, caused a true and correct copy of the foregoing document to be served upon the following by the designated means:

Kimberly Joann Rostad
K and K Bail Bonds
7790 Palomino Lane
Emmett, ID 83617-9713

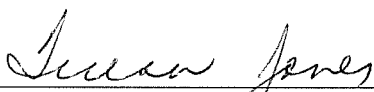
- first class mail
- certified mail
- hand delivery
- via facsimile

Sun Surety Insurance Company
21 Main Street
Rapid City, SD 57701

- first class mail
- certified mail
- hand delivery
- via facsimile

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- first class mail
- certified mail
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- via facsimile



Teresa Jones
Assistant to the Director