

LAWRENCE G. WASDEN  
Attorney General

MITCHELL E. TORYANSKI  
Deputy Attorney General  
Idaho Department of Insurance  
700 W. State Street  
P.O. Box 83720  
Boise, Idaho 83720-0043  
Telephone: (208) 334-4219  
Facsimile: (208) 334-4298  
Idaho State Bar #5468

*af*  
**FILED**

**APR 22 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: )  
)  
LANDCAR LIFE INSURANCE )  
COMPANY, holding Idaho Certificate of )  
Authority No. 2972; )  
LARRY H. MILLER CORPORATION, )  
holding Idaho Producer License No. )  
134666; )  
LARRY H. MILLER CORPORATION )  
- 9380 FAIRVIEW; )  
LARRY H. MILLER CORPORATION )  
- BOISE; )  
AUTO VILLAGE MOTORS, )  
INC., holding Idaho )  
Producer License No. 132690; )  
SUNDANCE DODGE, INC.; )  
TARGET MOTORS, INC.; )  
and )  
HAPPY DAY FORD, INC., )  
holding Producer No. 9147. )  
\_\_\_\_\_ )

Docket No. 18-2493-08

**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 the undersigned

Bureau Chiefs: Company Activities and Consumer Services, and LANDCAR LIFE INSURANCE COMPANY, LARRY H. MILLER CORPORATION, LARRY H. MILLER CORPORATION – 9380 FAIRVIEW, LARRY H. MILLER CORPORATION – BOISE, AUTO VILLAGE MOTORS, INC., SUNDANCE DODGE, INC., TARGET MOTORS, INC., and HAPPY DAY FORD, INC., by and through its counsel, Robert A. Anderson of Anderson, Julian & Hull, LLP, and the undersigned authorized representative(s) of the aforementioned entities and hereby stipulate and agree as follows:

1. LANDCAR LIFE INSURANCE COMPANY (LANDCAR), a Utah corporation, is duly authorized as an insurer by the State of Idaho, holding certificate of authority number 2972 and is therefore subject to the provisions of Title 41, Idaho Code, and to the Rules and Regulations of the Department of Insurance promulgated thereunder. LANDCAR holds NAIC number 92274.
2. LARRY H. MILLER CORPORATION (LHM), a Utah corporation, is duly licensed as a producer of insurance by the State of Idaho, holding license number 134666 and is therefore subject to the provisions of Title 41, Idaho Code, and to the Rules and Regulations of the Department of Insurance promulgated thereunder.
3. LARRY H. MILLER CORPORATION – 9380 FAIRVIEW (LHM FAIRVIEW), an Idaho corporation, is not licensed as a producer of insurance by the State of Idaho. LHM FAIRVIEW sells, solicits and/or negotiates credit insurance products, and it is therefore subject to the provisions of Title 41, Idaho Code, and to the Rules and Regulations of the Department of Insurance promulgated thereunder.

4. LARRY H. MILLER CORPORATION – BOISE (LHM BOISE), a Utah corporation, is not licensed as a producer of insurance by the State of Idaho. LHM BOISE sells, solicits and/or negotiates credit insurance products, and it is therefore subject to the provisions of Title 41, Idaho Code, and to the Rules and Regulations of the Department of Insurance promulgated thereunder.
5. AUTO VILLAGE MOTORS, INC. (AUTO VILLAGE), an Idaho corporation, is duly licensed as a producer of insurance by the State of Idaho, holding license number 132690 and is therefore subject to the provisions of Title 41, Idaho Code, and to the Rules and Regulations of the Department of Insurance promulgated thereunder.
6. SUNDANCE DODGE, INC. (SUNDANCE), an Idaho corporation, is duly licensed as a producer of insurance by the State of Idaho, holding license number 55525 and is therefore subject to the provisions of Title 41, Idaho Code, and the Rules and Regulations of the Department of Insurance promulgated thereunder.
7. TARGET MOTORS, INC. (TARGET), an Idaho corporation, is not presently licensed as a producer of insurance by the State of Idaho, having license number 76498 lapse on or about June 1, 2004. TARGET sells, solicits and/or negotiates credit insurance products, and it is therefore subject to the provisions of Title 41, Idaho Code, and to the Rules and Regulations of the Department of Insurance promulgated thereunder.
8. HAPPY DAY FORD, INC. (HAPPY DAY), an Idaho corporation, is duly licensed as a producer of insurance by the State of Idaho, holding license number

9147 and is therefore subject to the provisions of Title 41, Idaho Code, and the Rules and Regulations of the Department of Insurance promulgated thereunder.

9. LHM conducts business under the assumed business name Larry Miller Mitsubishi. LHM's assumed business name Larry Miller Mitsubishi has not been filed with the Director of the Idaho Department of Insurance (Director). LHM has filed assumed business name Larry Miller Subaru Mitsubishi with the Director.
10. LHM FAIRVIEW conducts business under the assumed business name Larry H. Miller Mitsubishi. This assumed business name has not been filed with the Director.
11. LHM BOISE conducts business under the assumed business name Larry Miller Used Car Supermarket. This assumed business name has not been filed with the Director.
12. AUTO VILLAGE conducts business under the assumed business name Larry Miller Honda. This assumed business name has been filed with the Director.
13. SUNDANCE conducts business under the assumed business name Larry Miller Chrysler Jeep Dodge. This assumed business name has not been filed with the Director.
14. TARGET conducts business under the assumed business name Larry Miller Subaru. This assumed business name has been filed with the Director.
15. HAPPY DAY conducts business under the assumed business names Larry Miller Ford Lincoln Mercury and Larry Miller Pontiac Buick GMC. These assumed business names have not been filed with the Director.

16. Between August 17, 2006 and August 16, 2007, Matthew Hefner (Hefner) sold, solicited and/or negotiated twenty-four (24) insurance policies to LHM customers. LANDCAR accepted business from Hefner and paid commissions to LHM and Hefner. During this period, Hefner was not licensed as a producer of insurance.
17. Jeff Litty (Litty) was, at all times relevant hereto, an employee of AUTO VILLAGE. Between January 31, 2006 and April 26, 2007, Litty sold, solicited and/or negotiated thirteen (13) insurance policies to AUTO VILLAGE customers. LANDCAR accepted business from Litty and paid commissions to AUTO VILLAGE and Litty. During this period, Litty was not licensed as a producer of insurance.
18. Justin Ross (Ross) was, at all times relevant hereto, an employee of SUNDANCE. Between February 27, 2007 and July 17, 2007, Ross sold, solicited and/or negotiated fifty-seven (57) insurance policies to SUNDANCE customers. LANDCAR accepted business from Ross and paid commissions to SUNDANCE and Ross. During this period, Ross license number 97925 was inactive due to nonrenewal.
19. Joshua Shook (Shook) was, at all times relevant hereto, an employee of SUNDANCE. Between June 3, 2005 and July 26, 2007, Shook sold, solicited and/or negotiated two hundred twenty-six (226) insurance policies to SUNDANCE customers. LANDCAR accepted business from Shook and paid commissions to SUNDANCE and Shook. During this period, Shook was not licensed as a producer of insurance.

20. LANDCAR admits to three hundred twenty (320) violations of Idaho Code §§ 41-1017(1) and 1022(1) for accepting business and paying commissions to unlicensed agents.
21. LANDCAR agrees to pay an administrative penalty in the amount of Forty-three Thousand Dollars (\$43,000), payable within thirty (30) days of the entry of the attached ORDER by the Director.
22. LANDCAR shall immediately cease and desist from accepting business and/or paying commissions to persons unlicensed to sell, solicit or negotiate insurance in the State of Idaho.
23. LANDCAR shall have all persons selling, soliciting or negotiating insurance on its behalf licensed within thirty (30) days of the entry of the attached ORDER by the Director.
24. LANDCAR agrees to submit to the Department a written description of safeguards implemented to prevent the payment of commissions, directly or indirectly, unlicensed individuals, within thirty (30) days of the entry of the attached ORDER by the Director.
25. LHM admits to twenty-four (24) violations of Idaho Code §§ 41-1017(1) and 1022(1) for accepting business and paying commissions to unlicensed agents and Idaho Code § 41-1014 for failure to file an assumed business name with the Director.
26. LHM agrees to pay an administrative penalty in the amount of Nine Thousand Seven Hundred Dollars (\$9,700), payable within thirty (30) days of the entry of the attached ORDER by the Director.

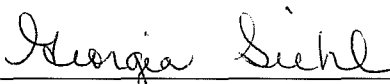
27. LHM agrees to have all employees selling, soliciting and/or negotiating insurance licensed as producers of insurance within thirty (30) days of the entry of the attached ORDER by the Director.
28. LHM FAIRVIEW admits to violations of Idaho Code §§ 41-1004 and 41-1014 for selling, soliciting and/or negotiating insurance without proper licensing and failure to file assumed business name with the Director.
29. LHM FAIRVIEW agrees to pay an administrative penalty in the amount of Six Hundred Dollars (\$600), payable within thirty (30) days of the entry of the attached ORDER by the Director.
30. LHM FAIRVIEW agrees to obtain a producer license and file all assumed business names with the Director within thirty (30) days of the entry of the attached ORDER by the Director.
31. LHM BOISE admits to violations of Idaho Code §§ 41-1004 and 41-1014 for selling, soliciting and/or negotiating insurance without proper licensing and failure to file assumed business name with the Director.
32. LHM BOISE agrees to pay an administrative penalty in the amount of Six Hundred Dollars (\$600), payable within thirty (30) days of the entry of the attached ORDER by the Director.
33. LHM BOISE agrees to obtain a producer's license and file all assumed business names with the Director within thirty (30) days of the entry of the attached ORDER by the Director.
34. AUTO VILLAGE admits to thirteen (13) violations of Idaho Code §§ 41-1017(1) and 1022(1) for accepting business and paying commissions to unlicensed agents.


35. AUTO VILLAGE agrees to pay an administrative penalty in the amount of Two Thousand Six Hundred Dollars (\$2,600), payable within thirty (30) days of the entry of the attached ORDER by the Director.
36. AUTO VILLAGE agrees to have all employees selling, soliciting and/or negotiating insurance licensed as producers of insurance within thirty (30) days of the entry of the attached ORDER by the Director.
37. SUNDANCE admits to a violation of Idaho Code § 41-1014 for failure to file assumed business name with the Director and two hundred eighty-three (283) violations of Idaho Code §§ 41-1017(1) and 1022(1) for accepting business and paying commissions to unlicensed agents.
38. SUNDANCE agrees to pay an administrative penalty in the amount of Seventy-four Thousand One Hundred Dollars (\$74,100), payable within thirty (30) days of the entry of the attached ORDER by the Director.
39. SUNDANCE agrees to file all assumed business names with the Director within thirty (30) days of the entry of the attached ORDER by the Director.
40. SUNDANCE agrees to have all employees selling, soliciting and/or negotiating insurance licensed as producers of insurance within thirty (30) days of the entry of the attached ORDER by the Director.
41. TARGET admits to violations of Idaho Code §§ 41-1004 for selling, soliciting and/or negotiating insurance without proper licensing.
42. TARGET agrees to pay an administrative penalty in the amount of Five Hundred Dollars (\$500), payable within thirty (30) days of the entry of the attached ORDER by the Director.



43. TARGET agrees to obtain a producer's license and file all assumed business names with the Director within thirty (30) days of the entry of the attached ORDER by the Director.
44. HAPPY DAY admits to a violation of Idaho Code § 41-1014 for failure to file assumed business names with the Director.
45. HAPPY DAY agrees to pay an administrative penalty in the amount of One Hundred Dollars (\$100), payable within thirty (30) days of the entry of the attached ORDER by the Director.
46. HAPPY DAY agrees to file assumed business names with the Director within thirty (30) days of the entry of the attached ORDER by the Director.
47. 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

  
\_\_\_\_\_ Dated this 21 day of April 2009.  
By: GEORGIA SIEHL  
Bureau Chief, Company Activities and Chief Examiner

  
\_\_\_\_\_ Dated this 21st day of April 2009.  
By: JIM GENETTI  
Bureau Chief, Consumer Services

Mitchell E. Toryanski Dated this 21<sup>st</sup> day of April 2009.  
By: MITCHELL E. TORYANSKI  
Deputy Attorney General

LANDCAR LIFE INSURANCE COMPANY

Dan C. Curtis Dated this 17 day of APRIL 2009.  
By: DAN C. CURTIS  
GENERAL MANAGER

Robert A. Anderson Dated this 21<sup>st</sup> day of April 2009.  
By: ROBERT A. ANDERSON  
Anderson, Julian & Hull, LLP  
Attorneys for Landcar Life Insurance Company

**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 22<sup>ND</sup> day of APRIL 2009.

William W. Deal  
WILLIAM W. DEAL  
Director

**CERTIFICATE OF SERVICE**

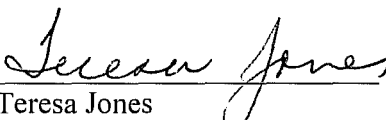
I HEREBY CERTIFY that I have on this Tuesday of April 2009, caused a true and correct copy of the foregoing document to be served upon the following by the designated means:

Robert A. Anderson  
Anderson, Julian & Hull, LLP  
250 South Fifth Street, Suite 700  
P.O. Box 7426  
Boise Idaho 83707-7426

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

Mitchell E. Toryanski  
Deputy Attorney General  
700 W. State Street, 3<sup>rd</sup> Floor  
P.O. Box 83720  
Boise, ID 83720 – 0043

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

  
\_\_\_\_\_  
Teresa Jones  
Assistant to the Director