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I.S.B. No. 5468

**FILED**

**AUG 04 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: )  
 )  
 ABEL GARCIA )  
 Resident Bail Agent )  
 License No. 012723 )  
 \_\_\_\_\_ )

Docket No. 18-2551-09

**ORDER OF REVOCATION**

WHEREAS, ABEL GARCIA ("GARCIA"), is a duly licensed bail agent in the State of Idaho, holding producer license No. 012723 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 14, 2008, GARCIA was arraigned in the Idaho Fourth Judicial District Court on the criminal charge of Conspiracy to Traffic Heroin, Idaho Code § 37-2732B(a)(6), a felony; and

WHEREAS, GARCIA failed to report to the Director his criminal prosecution within thirty (30) days of the initial pretrial hearing on May 14, 2008; and

WHEREAS, on or about March 19, 2009, GARCIA pled guilty to the crime of Drug Trafficking in Heroin (two (2) grams or more, but less than seven (7) grams), Idaho Code § 37-2732B(a)(6)(A), a felony; and

WHEREAS, that on July 9, 2009, a Verified Notice of Violation and Right to Hearing (“Notice”) was provided to GARCIA via first class U.S. Mail and via certified mail, said notice is on file herein; and

WHEREAS, the Department has received the return receipt of the Notice from the United States Postal Service reflecting a delivery date of July 10, 2009; and

WHEREAS, GARCIA was given notice therein of the alleged violation and the right to hearing on the above entitled matter within twenty-one (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 GARCIA 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 bail agent license of ABEL GARCIA is hereby revoked pursuant to Idaho Code §§ 41-1016(1)(f) and 41-1021(2); and ABEL GARCIA is hereby ORDERED to return his bail agent license number 012723 to the Idaho Department of Insurance at 700 West State St., 3<sup>rd</sup> 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).

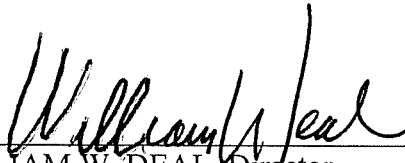
Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates 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 ~~4th~~ day of August 2009.

  
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WILLIAM W. DEAL, Director  
Idaho Department of Insurance

**CERTIFICATE OF SERVICE**

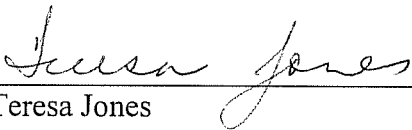
I HEREBY CERTIFY that I have on this 4<sup>th</sup> day of August 2009, caused a true and correct copy of the foregoing order to be served upon the following by the designated means:

Abel Garcia #92798  
South Idaho Correctional Institution  
North Dorm  
P.O. Box 8509  
Boise, ID 83707

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

Mitchell E. Toryanski  
Deputy Attorney General  
Idaho Department of Insurance  
700 W. State St., 3<sup>rd</sup> Floor  
P.O. Box 83720  
Boise, ID 83720-0043

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Teresa Jones  
Assistant to the Director