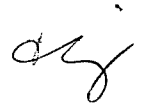


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FILED



AUG 25 2009

**Department of Insurance
State of Idaho**

Attorneys for Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

DEPARTMENT OF INSURANCE,)
STATE OF IDAHO,)
)
Complainant,)
)
vs.)
)
RICHARD W. HOYLE, duly)
licensed insurance agent holding)
Resident Agent License No. AB09674,)
)
Respondent.)
_____)

Docket # 18-1729-09

**STIPULATION AND ORDER
TO DISMISS FOLLOWING
EXPIRATION OF PRODUCER
LICENSE**

STIPULATION

COME NOW the staff of the Idaho Department of Insurance (Department), by and through its undersigned counsel and bureau chief, and Richard W. Hoyle (Hoyle), individually and by and through his undersigned counsel, and hereby stipulate and agree as follows:

1.

Hoyle was formerly a licensed insurance producer in the state of Idaho, holding license No. 9674, which license expired due to non-renewal as of July 1, 2006. Hoyle's license was previously on inactive status from September 10, 1997 to June 30, 2006, and he is subject to the provisions of Title 41, Idaho Code, and to the rules of the Department of Insurance promulgated thereunder.

2.

The Department filed an administrative Complaint against Hoyle on June 30, 1997 alleging material misrepresentations and fraudulent or dishonest practices, which were and are certain violations of Title 41 of the Idaho Code and seeking the suspension of his agent license. Pursuant to a Stipulation and Order, signed by the Director of the Department on September 10, 1997, the Department and Hoyle stipulated that Hoyle's license would be placed on inactive status and the administrative case would be stayed pending resolution of a criminal case pending in the Fourth District Court. Hoyle was advised in 2000 that following the reactivation of the administrative case, the Department planned to file an amended complaint including additional allegations and seeking the revocation of his license.

3.

On or about June 13, 1997, an indictment was filed in the Fourth Judicial District Court of the State of Idaho (Fourth District Court) under Case No. H9700620, alleging that Hoyle had committed crimes constituting felonies, some of the factual allegations of which were nearly identical to the factual allegations made by the Department in its Complaint in the administrative case. Following a ten-week trial in Criminal Case No. H9700620 where the jury was unable to

reach a unanimous verdict, the trial court declared a mistrial and granted a new trial. This decision was upheld on appeal. *See State v. Hoyle*, 140 Idaho 679, 99 P.3d 1069 (2004). Hoyle filed a petition for writ of habeas corpus in federal district court, which petition was denied by the district court, and the denial was affirmed by the United States Court of Appeals, Ninth Circuit. *See Hoyle v. Ada County*, 501 F.3d 1053 (9th Cir. 2007). Criminal Case No. H9700620 was ultimately dismissed upon appeal as the state had filed a new criminal case, No. 0000795.

4.

Although Hoyle continued to renew his producer license for several years while it remained on inactive status, as of July 1, 2006, Hoyle allowed his license to expire by failing to renew it. Thus he has remained unlicensed since that date.

5.

Hoyle and the State of Idaho have resolved the criminal case as set forth in the Amended Indictment, Case No. CR-FE-0000795, attached hereto and incorporated herein as Exhibit A, and the Withheld Judgment and Probation Order in Case No. H0000795, attached hereto and incorporated herein as Exhibit B. As set forth in Exhibits A and B, Hoyle pled guilty via *Alford* pleas to two counts of Withholding, Misappropriating or Converting Received Funds, misdemeanors under Idaho Code §§ 41-1016 and 41-117.

6.

Now therefore, based upon the foregoing, Hoyle and the Department desire to settle and resolve the issues raised in this administrative contested case. Based on his *Alford* plea to violations of Idaho Code § 41-117 and 41-1016 in Case No. 0000795, Hoyle and the Department agree to the imposition of an administrative penalty of Two Thousand Dollars (\$2,000), which

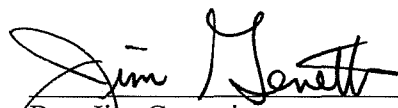
amount shall be suspended indefinitely, but which shall be due and payable immediately upon Hoyle's application for a producer license in Idaho or any other jurisdiction. The parties understand and agree that if Hoyle applies for a license in the future, it will be reviewed in the normal course and nothing in this Stipulation precludes the Department from considering information it deems relevant to that process. No attorneys' fees or costs are sought by or shall be awarded to either party.

7.

The parties waive their rights to a hearing and to present evidence on the issues raised in the Complaint and believe the stipulated settlement is an efficient, reasonable, and appropriate resolution of this matter. The parties ask the Director to enter an order in the form attached or substantially similar adopting this Stipulation and conclusively resolving this contested case. The parties also waive their rights to seek any reconsideration and judicial review of any order adopting this Stipulation.

DATED this 24th day of AUGUST ~~July~~ 2009.

IDAHO DEPARTMENT OF
INSURANCE


By: Jim Genetti
Bureau Chief

Richard W. Hoyle

Aug 20 2009 10:48AM HP LASERJET FAX

P. 5

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LEROY LAW OFFICE

PAGE 05

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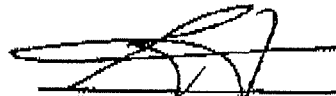
7.

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DATED this ____ day of July 2009.

IDAHO DEPARTMENT OF
INSURANCE

By: Jim Genetti
Bureau Chief


Richard W. Hoyle

Aug 20 2009 10:48AM HP LASERJET FAX

08/19/2009 10:02 2083424200

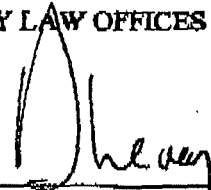
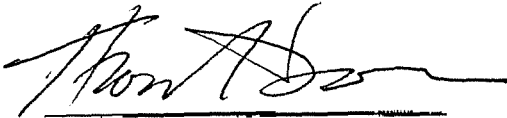
LEROY LAW OFFICE

PAGE 06

Reviewed and Approved:

OFFICE OF THE ATTORNEY GENERAL

LEROY LAW OFFICES



By: Thomas A. Donovan
Deputy Attorney General
Attorneys for the Department of Insurance

By: David H. Leroy
Attorney for Richard W. Hoyle

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. It is further ordered that based on Hoyle's ^{Alford} guilty pleas in Case M. A.
No. 0000795 to violations of Idaho Code §§ 41-117 and 41-1016 an administrative penalty in the
amount of Two Thousand Dollars (\$2,000) is hereby imposed on Richard W. Hoyle which
amount shall be suspended indefinitely, but which penalty shall be due and payable immediately
upon Hoyle's application for a producer license in Idaho or any other jurisdiction. Given the
parties' waiver of their rights to seek reconsideration and judicial review, no language regarding
notice of such rights is included herein this final order.

DATED and EFFECTIVE this _____ day of _____ 2009.

WILLIAM DEAL, Director
Idaho Department of Insurance

Reviewed and Approved:

OFFICE OF THE ATTORNEY GENERAL

LEROY LAW OFFICES

By: Thomas A. Donovan
Deputy Attorney General
Attorneys for the Department of Insurance

By: David H. Leroy
Attorney for Richard W. Hoyle

ORDER

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DATED and EFFECTIVE this 25TH day of August 2009.



WILLIAM DEAL, Director
Idaho Department of Insurance

CERTIFICATE OF SERVICE

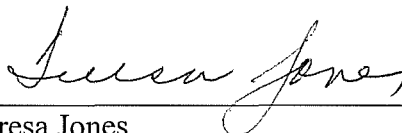
I HEREBY CERTIFY that I have on this 15th day of August 2009, caused a true and correct copy of the foregoing document to be served upon the following by the designated means:

David H. Leroy
P.O. Box 193
Boise, Idaho 83701

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

Thomas A. Donovan
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street
P.O. Box 83720
Boise, Idaho 83720-0043

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



Teresa Jones
Assistant to the Director