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ISB No. 5468

**FILED** 

**FEB 25 2010**

**Department of Insurance  
State of Idaho**

Attorneys for the Department of Insurance

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE**

**STATE OF IDAHO**

In the Matter of:

DERRICK DEWAYNE ROY,  
Non-Resident Insurance Producer  
License No. 285731.

Docket No. 18-2587-10

**FINAL ORDER and  
NOTIFICATION OF RIGHTS**

The Director of the Idaho Department of Insurance, having reviewed the record herein and in consideration of the premises, enters the following findings of fact, conclusions of law and Final Order;

1. That DERRICK DEWAYNE ROY (hereinafter Respondent) is a licensed Idaho Non-Resident Insurance Producer holding license No. 285731.
2. That on or about November 13, 2009, the State of Arkansas revoked Respondent's Arkansas Non-Resident Producer License No. 333276.

3. That on or about November 21, 2009, ROY changed his address from 1409 S. Lamar Street, Apt 448, Dallas, TX 75215-6806, to 7166 West Custer Avenue C104, Lakewood, CO 80226.

4. That on November 27, 2009, the Department, on behalf of the Director, sent to Respondent's Colorado address by United States certified mail, postage pre-paid, a letter requesting information about his Arkansas producer license revocation and his change of address and on or about December 6, 2009, the U.S. Postal Service returned this letter to the Department marked undeliverable.

5. That on December 15, 2009, the Department again sent to Respondent's Colorado address by United States mail, postage pre-paid, a letter requesting information about his Arkansas producer license revocation and his change of address and on or about December 31, 2009, the U.S. Postal Service returned this letter to the Department marked undeliverable.

6. That on December 15, 2009, the Department sent to Respondent's Texas address, the last business address contained in Department records, by United States certified mail, postage pre-paid, a letter requesting information about his Arkansas producer license revocation and his change of address and on or about January 4, 2010, the U.S. Postal Service returned this letter to the Department marked undeliverable.

7. That Respondent violated Idaho Code § 41-1021(1) by failing to report an administrative action taken against him in another jurisdiction within thirty (30) days of final disposition of the matter, to wit, the revocation of his Arkansas Non-Resident Producer License No. 333276 on or about November 13, 2009.

8. That Respondent violated Idaho Code § 41-1008(6) by failing to inform the Director of his change of address within thirty (30) days of a change, to wit, thirty (30) days after November 21, 2009, or December 21, 2009.

9. That such conduct is a violation of Idaho Code § 41-1016(1)(b).

**NOW THEREFORE**, with regard to the foregoing findings of fact and conclusions of law with regard to violations, and in accordance with the pleadings herein, the Director enters the following Final Order accordingly:

**IT IS HEREBY ORDERED** that Respondent's nonresident insurance producer license No. 285731 is **REVOKED**; and

**IT IS FURTHER ORDERED** that the Respondent shall immediately surrender his nonresident insurance producer license No. 285731 by returning it to the Idaho Department of Insurance at the address listed above upon receipt of this Final 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 this 24<sup>TH</sup> day of February, 2010.

A handwritten signature in black ink, appearing to read "William W. Deal", written over a horizontal line.

WILLIAM W. DEAL  
Director  
Idaho Department of Insurance

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have on this 25<sup>th</sup> day of February, 2010, caused a true and correct copy of the foregoing FINAL ORDER and NOTIFICATION OF RIGHTS to be served upon the following by the designated means:

Derrick Dewayne Roy  
7166 W. Custer Avenue #C104  
Lakewood, CO 80226

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

Derrick Dewayne Roy  
1409 S. Lamar Street, Apt. 448  
Dallas, TX 75215-6808

- 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  
Boise, ID 83720-0043

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

  
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Teresa Jones  
Assistant to the Director