

FILED



APR 05 2010

**Department of Insurance
State of Idaho**

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE
STATE OF IDAHO**

In the Matter of:)	Docket No. 18-2588-10
)	
ROBERT O. SCHIERS)	AMENDED FINAL ORDER
Resident Producer License)	
No. 35975,)	
Respondent.)	
_____)	

The Director of the Idaho Department of Insurance (Director), having reviewed the Stipulation executed by all the parties hereto filed March 31, 2010, and having on his own motion reconsidered the Final Order entered March 31, 2010, in this matter, does hereby rescind said Final Order and enters his findings and conclusions and this Amended Final Order, which supersedes the previous order of March 31, 2010. In consideration of the premises, the Director finds:

1. That the Director has jurisdiction over this matter pursuant to Title 41, Idaho Code.

2. That the Stipulation entered into by the parties is incorporated herein as if set forth in full.

3. That the conduct of Robert O. Schiers as described in the Stipulation is a violation of Idaho Code § 41-1016(1)(j).

4. That the date of the forgery, as set forth in the Stipulation (December 14, 2010), is a typographical error and that the true date of the act giving rise to this matter is on or about December 14, 2009.

5. That the Director has broad discretionary authority to enter appropriate relief as authorized by the insurance code, specifically Idaho Code § 41-1016(1), including accepting or rejecting a proposed order recommended by both parties.

6. That, on March 31, 2010, the Director had a discussion with Deputy Attorneys General John Keenan (representing Department staff) and Tom Donovan (representing the Director) after the Final Order had been signed and file stamped. In that discussion, it was represented that Mr. Schiers signed the name of the client on the application and that he did so with the authorization, approval, or acquiescence of the client, although the appointing insurer was not aware that the client did not personally sign the application.

7. That, had the signature been falsely made by Mr. Schiers without client authorization, approval, or acquiescence, the Director would have viewed the matter as more egregious and therefore warranting a more severe sanction.

THEREFORE, IT IS HEREBY ORDERED that a civil penalty against Robert O. Schiers, holding resident producer license no. 35975, is imposed in the amount of Five Hundred Dollars (\$500.00) and, upon receipt thereof in full, this matter shall be resolved in its entirety.

IT IS SO ORDERED.

DATED THIS 5~~TH~~ day of April 2010.

IDAHO DEPARTMENT OF INSURANCE

By 
WILLIAM W. DEAY
Director

NOTIFICATION REGARDING REPORTABLE PROCEEDINGS

This is considered a reportable administrative proceeding. As such, it is a public record and is public information that may be disclosed to other states and reported to companies of which you are actively appointed. This information will be reported to the National Association of Insurance Commissioners (NAIC) and will appear in the Idaho Department of Insurance's online searchable database. Be aware that this proceeding must be disclosed on any license application and must be reported to any and all states in which you hold an insurance license.

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 its 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.

CERTIFICATE OF SERVICE

I, the undersigned, on this 5th day of April 2010, caused the foregoing AMENDED FINAL ORDER to be served upon the following persons at the addresses indicated and in the manner described:

Robert O. Schiers
1600 Shadow Mountain Lane
PO Box 4152
Pocatello, ID 83205

certified mail
 first class mail
 hand delivery

Terri Pickens, Esq.
Pickens Law P.A.
P.O. Box 915
Boise, ID 83701

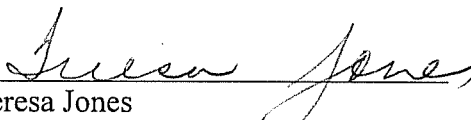
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 hand delivery



Teresa Jones
Assistant to the Director