

“‘Convicted’ includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence or a fine.” In answer to that question, Mr. Quinn answered “no”. If the question is answered yes, the applicant must attach a written statement explaining the circumstances of each incident; a certified copy of the charging document; and a certified copy of the official document demonstrating the resolution of the charges or any final judgment. The application was certified under penalty of perjury. Page 4 of the application further states the applicant is aware that submitting false information or omitting pertinent or material information is grounds for revocation or denial of a license.

2. While investigating Mr. Quinn’s application, the Department of Insurance discovered he had been subject to criminal proceedings in Deschutes County, Oregon. Upon request, Mr. Quinn provided the Department with certain pleadings from that criminal case. An Order (Conditional Discharge) entered by the Oregon court on July 30, 2008, indicates Mr. Quinn was sentenced on a felony, unlawful possession of cocaine. Four other criminal counts were dismissed. Mr. Quinn was placed on probation for a period of 18 months and required to comply with certain probationary conditions. On March 8, 2010, a Judgment of Dismissal was signed by Circuit Judge A. Michael Adler. Pursuant to Mr. Quinn’s successful completion of the probationary terms and conditions, the criminal charges were dismissed with prejudice.

3. By letter dated June 24, 2010, Gina McBride, the Bureau Chief of Consumer Services, for the Department of Insurance sent Mr. Quinn a letter denying Mr. Quinn's application for an individual insurance producer license. The letter notes Mr. Quinn was required to report the criminal charge because he had been placed on probation and the Order was functionally equivalent to a withheld judgment. Based upon the definition of a "conviction" in the Uniform Application, the Department determined Mr. Quinn should have answered the question "yes." The Department advised Mr. Quinn they were denying his application based upon Idaho Code §41-1016(1)(a) which allows the Department to deny an application when an applicant provides incorrect, misleading, incomplete or materially untrue information in the license application.

4. Pursuant to Idaho Code §41-232A, Mr. Quinn requested a hearing in an undated letter received by the Department on June 28, 2010. He alleges he did not intentionally supply false information and did not intend or try to hide anything in his past.

5. The evidence establishes Mr. Quinn did provide incorrect, misleading, incomplete and materially untrue information in his license application.

6. The fact that Mr. Turner failed to adequately read the application does not provide a defense.

CONCLUSIONS OF LAW

7. Pursuant to Idaho Code §41-1016(1)(a), the Department of Insurance has the authority and grounds to deny Mr. Quinn's application for an Idaho individual insurance producer license.

PRELIMINARY ORDER

Based upon the foregoing, IT IS HEREBY ORDERED That the denial of the application of Mr. Quinn by the Department of Insurance for an individual insurance producer license is UPHELD and AFFIRMED.

DATED This 10 day of August, 2010.

JEAN R. URANGA

JEAN R. URANGA
Hearing Officer

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this 10 day of August, 2010, I served true and correct copies of the foregoing HEARING OFFICER'S FINDINGS OF FACT, CONCLUSIONS OF LAW AND PRELIMINARY ORDER by depositing copies thereof in the United States mail, postage prepaid, in envelopes addressed to:

Zell Dustin Quinn
390 W. Hale Street, #206
Boise, Idaho 83706

**(Regular mail and certified mail
return receipt requested)**

Thomas A. Donovan
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