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SEP 24 2010

Department of Insurance
State of Idaho

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BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of the)	
Application for Resident)	Docket No. 18-2637-10
Producer License of:)	
)	HEARING OFFICER'S FINDINGS
AMBER LEE ELWOOD,)	OF FACT, CONCLUSIONS OF LAW
)	AND PRELIMINARY ORDER
Applicant.)	
_____)	

This matter came on for an evidentiary hearing on August 26, 2010, at 1:30 p.m. Thomas Donovan, Deputy Attorney General, appeared on behalf of the Department of Insurance. Amber Lee Elwood appeared in person representing herself.

FINDINGS OF FACT

1. On June 1, 2010, Amber Lee Elwood submitted an on-line Uniform Application to the Department of Insurance for an "Individual Producer License". (Exhibit 1.) Question 1 on page 3 of the background portion of the application specifically asked: "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?" The question is further clarified by the statement: "'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, Ms. Elwood answered "yes". 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. On Page 4 of her application, Ms. Elwood disclosed that in 1992 she was convicted of unlawful entry by a minor into an establishment that served alcohol. She did not disclose any other criminal charges. 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 Ms. Elwood's application, the Department of Insurance discovered she had been subject to criminal proceedings in Hermiston, Oregon for Theft II committed January 11, 2010. Upon request, Ms. Elwood provided the Department with certain pleadings from that criminal case. An Order For Discharge was entered by the Oregon court on July 1, 2010, based upon Ms. Elwood's compliance.

3. By letter dated July 26, 2010, Gina McBride, the Bureau Chief of Consumer Services, for the Department of Insurance sent Ms. Elwood a letter denying Ms. Elwood's application for an

individual insurance producer license. The letter notes Ms. Elwood was required to report the criminal charge because she had been placed on probation and the Order was functionally equivalent to a withheld judgment. The charge was also still pending when Ms. Elwood completed her application. Based upon the definition of a "conviction" in the Uniform Application, the Department determined Ms. Elwood should have disclosed this theft charge. The Department advised Ms. Elwood they were denying her 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, Ms. Elwood requested a hearing in a letter dated July 27, 2010. She alleges she did not intentionally supply false information and did not intend or try to hide anything in her past.

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

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

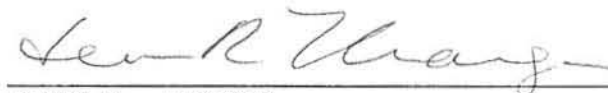
CONCLUSIONS OF LAW

7. Pursuant to Idaho Code §41-1016(1)(a), the Department of Insurance has the authority and grounds to deny Ms. Elwood'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 Ms. Elwood by the Department of Insurance for an individual insurance producer license is UPHELD and AFFIRMED.

DATED This 22nd day of September, 2010.



JEAN R. URANGA
Hearing Officer

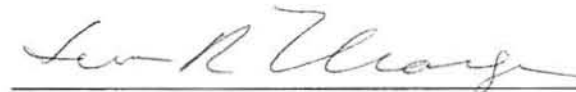
CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this 22nd day of September, 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:

Amber Lee Elwood
16802 N. Wessex Lane
Nampa, Idaho 83687

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

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



JEAN R. URANGA