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Attorney General

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FILED 

JUL 23 2013

Department of Insurance
State of Idaho

Attorneys for Department of Insurance

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

STATE OF IDAHO, DEPARTMENT OF
INSURANCE,

Complainant,

vs.

CHARLEANE ADELE HERMOSILLO, an
Idaho resident bail agent holding Idaho
Resident Bail Agent License No. 367202,

Respondent.

Docket No. 18-2863-13

**ORDER OF DEFAULT REVOKING
IDAHO RESIDENT BAIL AGENT
LICENSE**

The Director of the Idaho Department of Insurance (Director), having reviewed the record on file herein; and it appearing therefrom that CHARLEANE ADELE HERMOSILLO, the Respondent herein, has been duly served with a copy of the “Amended Complaint for Revocation of Idaho Resident Bail Agent License” (Amended Complaint) filed on June 26, 2013, by the Idaho Department of Insurance (Department) in this administrative proceeding, which Amended Complaint, a copy of which is attached hereto as Exhibit 1, alleged violations of

the Idaho Insurance Code and Department rules by the Respondent; and further, as shown by the Affidavit of A. René Martin, Deputy Attorney General, on file in this proceeding, that the Respondent has failed to request a hearing or to otherwise dispute in writing the allegations set forth in such Amended Complaint; and good cause appearing therefor,

NOW, THEREFORE, IT IS HEREBY ORDERED that Idaho Resident Bail Agent License No. 367202 issued to CHARLEANE ADELE HERMOSILLO is HEREBY REVOKED.

IT IS FURTHER ORDERED that CHARLEANE ADELE HERMOSILLO shall immediately return Idaho Resident Bail Agent License No. 367202 to the Idaho Department of Insurance at P.O. Box 83720, Boise, Idaho 83720-0043.

IT IS SO ORDERED.

DATED this 23rd day of July, 2013.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



WILLIAM W. DEAL
Director

NOTICE REGARDING REPORTABLE PROCEEDINGS

The foregoing 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 as to which the Respondent is actively appointed. This information will be reported to the National Association of Insurance Commissioners (NAIC) and will appear in the online searchable database of the Idaho Department of Insurance. The Respondent should be aware that

this proceeding must be disclosed on any insurance license application and must be reported to any and all states in which the Respondent holds an insurance license.

NOTIFICATION OF RIGHTS

This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director 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 does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 13th day of July, 2013, I caused a true and correct copy of the foregoing ORDER OF DEFAULT REVOKING IDAHO RESIDENT BAIL AGENT LICENSE to be served upon the following by the designated means:

Charleane Adele Hermosillo
103 Lena Street
Salmon, ID 83467-4102

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

Charleane Adele Hermosillo
Jailbreak Bail Bonds
5312 Chinden Avenue
Garden City, ID 83714

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

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

- first class mail
- certified mail
- hand delivery



Teresa Jones

LAWRENCE G. WASDEN
Attorney General

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Telephone: (208) 334-4204
Facsimile: (208) 334-4298
rene.martin@doi.idaho.gov

Attorneys for Department of Insurance

FILED 

JUN 26 2013

Department of Insurance
State of Idaho

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

STATE OF IDAHO, DEPARTMENT OF
INSURANCE,

Complainant,

vs.

CHARLEANE ADELE HERMOSILLO, an
Idaho resident bail agent holding Idaho
Resident Bail Agent License No. 367202,

Respondent.

Docket No. 18-2863-13

**AMENDED
COMPLAINT FOR REVOCATION
OF IDAHO RESIDENT BAIL AGENT
LICENSE**

COMES NOW the State of Idaho, Department of Insurance (Department), by and through its counsel, A. René Martin, Deputy Attorney General, to complain and allege as follows:

1. This administrative proceeding is brought under the provisions of the Idaho Insurance Code, Idaho Code § 41-101 *et seq.*, including Idaho Code § 41-1016, which authorizes

the Department to initiate a contested case against an Idaho-licensed insurance producer, seeking revocation of the insurance producer's license, as well as the imposition of administrative penalties, if the Director finds, as to the licensee, that any one (1) or more of the causes or violations enumerated in subsections (1)(a) through -(n) of that section exist.

RESPONDENT

2. CHARLEANE ADELE HERMOSILLO (the Respondent) is a resident of the state of Idaho and is an Idaho-licensed bail agent, currently holding Idaho Resident Bail Agent License No. 367202. Such license was issued on December 29, 2010.

FACTS

3. The Department maintains in its records business and mailing/residential addresses and business and residential telephone numbers for its insurance producer licensees, to include the Respondent.

4. On or about December 31, 2012, the Department sent a bail agent advisory notice to the Respondent. Such advisory notice was sent to the Respondent via United States mail, directed to the Respondent's mailing/residential address of record with the Department.

5. On or about January 3, 2013, the advisory notice referenced in paragraph 4 above was returned to the Department by the United States Postal Service with a label marked "forward time exp - rtn to send," which label provided a forwarding address for the Respondent in Salmon, Idaho (Salmon address).

6. On or about January 7, 2013, a Department staff member wrote a letter to the Respondent addressed to the Salmon address, advising the Respondent of the requirement that she immediately inform the Department of any change to the Respondent's business address.

Such letter further requested that the Respondent provide information regarding her failure to provide such information to the Department.

7. On or about February 5, 2013, a Department staff member attempted to contact the Respondent by calling the Respondent's residential telephone number of record with the Department. The person answering the telephone call informed the Department staff member that he had the wrong telephone number and that no person by the Respondent's name was at the number.

9. On or about February 5, 2013, a Department staff member again wrote to the Respondent to inquire about the Respondent's unreported change of address. Such inquiry was served on the Respondent by certified mail directed both to the Respondent's business address of record with the Department and to the Salmon address.

10. The February 5, 2013, letter sent by certified mail to the Salmon address was returned to the Department by the United States Postal Service and marked "return to sender – unclaimed – unable to forward."

11. A signed receipt was received by the Department on February 11, 2013, concerning the February 5, 2013, letter sent by certified mail to the Respondent's business address of record with the Department.

12. On or about March 18, 2013, a Department staff member again attempted to contact the Respondent by calling the Respondent's business telephone number of record with the Department. The person answering the telephone call stated that the Respondent has not been employed by such business for approximately one year.

13. *The Respondent had not responded to the Department's attempts to contact her via mail and by telephone until after the original Complaint for Revocation of Resident Bail*

Agent License (Original Complaint) was filed in this administrative proceeding on March 29, 2013.

14. On or about April 2, 2013, the Respondent contacted undersigned counsel for the Department, stating that she had received the Department's Original Complaint. On that same date, the Respondent emailed to the attention of undersigned counsel her written response to the Original Complaint, a copy of which is attached hereto as Exhibit A.

15. On April 24, 2013, the Respondent and the Department entered into a Consent Order to resolve the allegations of violation set forth in the Original Complaint. A copy of such Consent Order is attached hereto as Exhibit B. In the Consent Order, the Respondent admitted to violating Idaho Code § 41-1008(6) and Rule 18.01.04.012.01.b. and -c., located at IDAPA 18.01.04.

16. In the Consent Order, the Respondent agreed to pay to the Department an administrative penalty in the amount of \$500.00, in three monthly installments as follows: \$167 due on May 5, 2013; \$167 due on June 5, 2013, and \$166 due on July 5, 2013. The Respondent made the May 5 payment of \$167, but failed to make the June 5 payment. The Respondent has not contacted the Department to explain why the payment was not made or to request other payment arrangements.

CONCLUSIONS OF LAW AND VIOLATIONS

COUNT ONE: FAILURE TO REPORT CHANGE OF RESIDENTIAL/MAILING ADDRESS

17. Paragraphs 1 through 16 above are incorporated fully herein by this reference.

18. Idaho Code § 41-1008(6) requires that a licensee inform the Director by any means acceptable to the Director of a change of address, within thirty (30) days of the change.

19. Idaho Code § 41-1016(1)(b) provides that the Director of the Idaho Department of Insurance (Director) may revoke the Idaho license of a licensee who violates any provision of title 41, Idaho Code, Department rule, subpoena, or order of the Director or of another state's insurance director.

20. The Respondent's failure to notify the Department of the change to her mailing/residential address constitutes a violation of Idaho Code § 41-1008(6), authorizing the Director to revoke the Respondent's Idaho resident bail agent license, pursuant to Idaho Code § 41-1016(1)(b).

COUNT TWO: FAILURE TO REPORT CHANGE OF BUSINESS ADDRESS

21. Paragraphs 1 through 16 above are incorporated fully herein by this reference.

22. Rule 18.01.04 of the rules promulgated by the Department pursuant to the Idaho Insurance Code, Idaho Code § 41-101 *et seq.*, provides, at Paragraph 18.01.04.012.01.b, that a licensed bail agent shall immediately notify the Department in writing of a change of the bail agent's current business address.

23. Idaho Code § 41-1016(1)(b) provides that the Director of the Department of Insurance (Director) may revoke the Idaho license of a licensee who violates any provision of title 41, Idaho Code, Department rule, subpoena, or order of the Director or of another state's insurance director.

24. The Respondent's failure to inform the Department of the change to her business address constitutes a violation of Rule 18.01.04.012.01.b, authorizing the Director to revoke the Respondent's Idaho resident bail agent license, pursuant to Idaho Code § 41-1016(1)(b).

COUNT THREE: FAILURE TO REPORT CHANGE OF BUSINESS TELEPHONE NUMBER

25. Paragraphs 1 through 16 above are incorporated fully herein by this reference.

26. Rule 18.01.04 of the rules promulgated by the Department pursuant to the Idaho Insurance Code, Idaho Code § 41-101 *et seq.*, provides, at Paragraph 18.01.04.012.01.c, that a licensed bail agent shall immediately notify the Department in writing of a change of the bail agent's current business phone number.

27. Idaho Code § 41-1016(1)(b) provides that the Director of the Department of Insurance (Director) may revoke the Idaho license of a licensee who violates any provision of title 41, Idaho Code, Department rule, subpoena, or order of the Director or of another state's insurance director.

28. The Respondent's failure to inform the Department of the change to her business phone number constitutes a violation of Rule 18.01.04.012.01.c, authorizing the Director to revoke the Respondent's Idaho resident bail agent license, pursuant to Idaho Code § 41-1016(1)(b).

COUNT FOUR: VIOLATING AN ORDER OF THE DIRECTOR

29. *Paragraphs 1 through 16 above are incorporated fully herein by this reference.*

30. *The Respondent failed to make all three (3) of the monthly payments she agreed to make against an administrative penalty by the 5th of each month beginning in May of 2013, as set forth in the Consent Order referenced in paragraphs 15 and 16 above. The Consent Order constitutes an order of the Director.*

32. *The Respondent's failure to honor the payment arrangements to which she agreed in the Consent Order constitutes a violation of an order of the Director, pursuant to Idaho Code § 41-1016(1)(b), authorizing the Director to revoke the Respondent's Idaho resident bail agent license.*

COUNT FIVE: FINANCIAL IRRESPONSIBILITY

33. *Paragraphs 1 through 16 above are incorporated fully herein by this reference.*

34. *The Respondent's failure to make the three (3) monthly payments to the Department to which she agreed in the Consent Order, compounded by the Respondent's failure to seek alternative payment arrangements or terms before the second payment was due and unpaid, shows the Respondent to be financially irresponsible, within the meaning of Idaho Code § 41-1016(1)(h), authorizing the Director to revoke the Respondent's Idaho resident bail agent license.*

REQUEST FOR RELIEF

35. Based on the foregoing, and pursuant to Idaho Code § 41-1016(1)(b) and –(h), the Department prays that the Director enter an order revoking Idaho Resident Bail Agent License No. 367202 held by the Respondent.

NOTICE OF RIGHT TO A HEARING

THE RESPONDENT IS HEREBY NOTIFIED, pursuant to Idaho Code § 41-232A(2), that a written request for a hearing must be filed and served upon the Department within twenty-one (21) days after service of this Complaint. Failure to file and serve a written request for a hearing upon the Department within the twenty-one (21) day time period shall be deemed a waiver of the opportunity for a hearing and to contest the allegations in the Complaint, pursuant to Idaho Code § 41-232A(2).

Any written request for a hearing shall be served on the Director of the Idaho Department of Insurance, addressed as follows:

William W. Deal, Director
Idaho Department of Insurance
P.O. Box 83720
Boise, ID 83720-0043

A copy shall also be provided to the Department's counsel in this matter, A. René Martin,
Deputy Attorney General, at the following address:

A. René Martin
Deputy Attorney General
Idaho Department of Insurance
P.O. Box 83720
Boise, ID 83720-0043

DATED this 26th day of *June*, 2013.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

A handwritten signature in cursive script that reads "A. René Martin". The signature is written in black ink and is positioned above a horizontal line.

A. RENÉ MARTIN
Deputy Attorney General

CERTIFICATE OF SERVICE

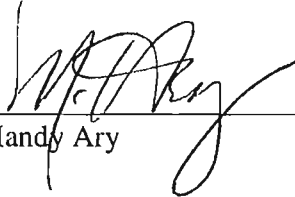
I HEREBY CERTIFY that, on this 26th day of *June*, 2013, I caused a true and correct copy of the foregoing COMPLAINT FOR REVOCATION OF IDAHO RESIDENT BAIL AGENT LICENSE to be served upon the following by the designated means:

Charleane Adele Hermsillo
103 Lena Street
Salmon, ID 83467-4102

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

Charleane Adele Hermsillo
Jailbreak Bail Bonds
5312 Chinden Avenue
Garden City, ID 83714

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



Mandy Ary

Department of Insurance;

April 2, 2013

To whom it may concern,

I am officially writing a written response to the complaint being filed against me. Docket number 18-2863-13. On this day April 2nd, 2013 was the first notification that I have ever received about needing to update my information. In my defense I assumed that my current employer turns in all information on my updated business address/telephone number as well as my residence. I have had my bail license for three years and have worked for one employer until last year. When I quit I moved away and was not planning on continuing in that field. Due to lack of employment here I started under a new employer. I was never forwarded any letter nor served a certified letter. In response to the telephone calls my personal phone number has been the same for the last three years; I am assuming my previous employer had the business one listed. My previous employer did all of my paperwork with the department of Insurance for they helped me attain my bail license as well.

I am aware that you need to change your address with the department of Insurance after 30 days. When I moved I was not planning on continuing with writing bonds. I did not think it was still necessary to make this contact. When I did attain the new employment I assumed it was taken care of when they had me under their policy. I am very sorry for the lack of communication. If I had ever received any sort of letter or telephone call I would never have let it go this far as it is my lively hood and I am a single parent. I am also the only active Bail Bonds agent in the county of Lemhi. Please take this request to terminate the revocation into consideration. Thank you for your time.

My updated information below;

Charleane Hermosillo

Residence of 103 Lena Street Salmon, id 83467

Cell phone of 208-353-4959

Business office is Jailbreak Bail Bonds

5312 Chinden ave, garden city id 83714

My cell phone is the number I use here for business. 208-353-4959

The number to my employer Mathew Ward is 208-365-8689

Thank you,

Charleane Hermosillo

EXHIBIT

A

LAWRENCE G. WASDEN
Attorney General

A. RENÉ MARTIN – I.S.B. #3188
Deputy Attorney General
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Department of Insurance
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FILED *reg*
APR 24 2013
Department of Insurance
State of Idaho

Attorneys for Department of Insurance

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

STATE OF IDAHO, DEPARTMENT OF
INSURANCE,

Complainant,

vs.

CHARLEANE ADELE HERMOSILLO, an
Idaho resident bail agent holding Idaho
Resident Bail Agent License No. 367202,

Respondent.

Docket No. 18-2863-13

CONSENT ORDER

COME NOW the State of Idaho, Department of Insurance (Department), by and through Georgia Siehl, the Department's Company Activities Bureau Chief and Chief Examiner, and CHARLEANE ADELE HERMOSILLO (HERMOSILLO), an individual licensed in Idaho as a resident bail agent, and hereby stipulate and agree as follows:

EXHIBIT

B

LICENSEE

1. HERMOSILLO is a resident of the state of Idaho and is an Idaho-licensed bail agent, currently holding Idaho Resident Bail Agent License No. 367202. Such license was issued on December 29, 2010.

FACTS

2. On March 29, 2013, the Department, by and through its counsel, A. René Martin, Deputy Attorney General, prepared and served a Complaint for Revocation of Idaho Resident Bail Agent License (Complaint) on HERMOSILLO. Such Complaint was brought under the provisions of the Idaho Insurance Code, Idaho Code § 41-101 *et seq.*, including Idaho Code § 41-1016, which authorizes the Department to initiate a contested case against an Idaho-licensed insurance producer, seeking revocation of the insurance producer's license, as well as the imposition of administrative penalties, if the Director finds, as to the licensee, that any one (1) or more of the causes or violations enumerated in subsections (1)(a) through -(n) of that section exist.

3. The Complaint, described above, alleged violations of Idaho Code § 41-1008(6) and Rules 18.01.04.012.01.b and -c, of the rules promulgated by the Department pursuant to the Idaho Insurance Code, Idaho Code § 41-101 *et seq.*, which rules are found in the Idaho Administrative Code at IDAPA 18.01.04. Such violations were related to the failure by HERMOSILLO to inform the Department of changes to HERMOSILLO's residence and business addresses and business telephone number

REMEDIES

4. HERMOSILLO admits to the violations of Idaho Code § 41-1008(6) and Rules 18.01.04.012.01.b and -c, as set forth above.

5. HERMOSILLO agrees to pay to the Department the amount of five hundred dollars (\$500) as an administrative penalty for the violations referenced in paragraph 4 above. Such penalty shall be paid in three installments to be received by the Department as follows: one hundred sixty seven dollars (\$167) received by no later than May 5, 2013; one hundred sixty seven dollars (\$167) received by no later than June 5, 2013; and one hundred sixty six dollars (\$166) received by no later than July 5, 2013.

6. HERMOSILLO agrees to comply with the requirements of the Idaho Insurance Code and rules promulgated thereunder at all times in the future.

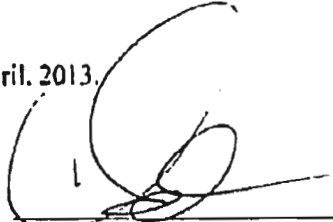
7. The parties agree that if HERMOSILLO enters into this Consent Order and timely complies with all terms and conditions herein, the Department shall seek no further administrative sanctions for the specific violations alleged in this Consent Order other than those set forth herein.

8. The parties agree that, should HERMOSILLO fail to timely comply with all terms and conditions herein, including timely payment to the Department of the administrative penalty referenced in paragraph 5 above, the Department may reopen this proceeding and seek revocation of HERMOSILLO's Idaho resident producer license. In such event, the Department will give notice to HERMOSILLO of the reopening of this matter, and afford her a reasonable opportunity to request a hearing, pursuant to applicable law.

9. HERMOSILLO acknowledges and agrees that the terms of this Consent Order are appropriate and proper under the circumstances referenced herein, and that she has entered into this Consent Order knowingly, voluntarily, and with full knowledge of any rights she may be waiving thereby. Additionally, HERMOSILLO waives notice and the opportunity for an administrative hearing regarding the matters referenced herein, as well as any right she may have

for reconsideration and/or judicial review regarding the matters underlying this administrative Consent Order.

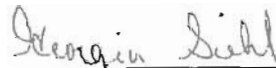
DATED this 24th day of April, 2013.



CHARLEANE HERMOSILLO

DATED this 24th day of April, 2013.

STATE OF IDAHO
DEPARTMENT OF INSURANCE

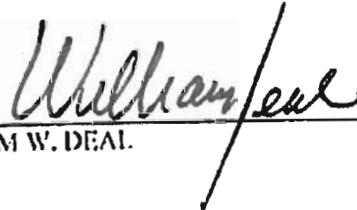


GEORGIA SIEHL
Bureau Chief, Company Activities Bureau

IT IS SO ORDERED.

DATED this 24th day of April, 2013.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



WILLIAM W. DEAL
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 24th day of April, 2013, I caused a true and correct fully-executed copy of the foregoing CONSENT ORDER to be served upon the following by the designated means:

Charleane Adele Hermsillo
103 Lena Street
Salmon, ID 83467-4102

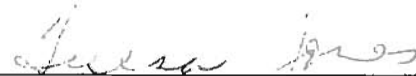
- first class mail
- certified mail
- hand delivery
- via facsimile

Seneca Insurance Company, Inc.
160 Water Street
New York, NY 10038-4922

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

A. René Martin
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
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