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FILED
AUG 01 2013
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:

ARNULFO E. QUINTERO

Resident Bail Agent License No. 380856

Docket No. 18-2881-13

ORDER OF DEFAULT

The Director of the Idaho Department of Insurance (“Director”) having reviewed the record herein; and ARNULFO E. QUINTERO, Resident Bail Agent License No. 380856, having been lawfully served the Verified Complaint and Notice of Right to Hearing, a copy of which is attached hereto as Exhibit A and incorporated herein, and, as evident from the Affidavit of Richard B. Burleigh, having failed to file an answer thereto and having failed to request a hearing regarding said Verified Complaint; and the Director having found as a result thereof that ARNULFO E. QUINTERO has waived his rights regarding the opportunity for hearing; and in consideration of the premises;

IT IS HEREBY ORDERED that the Resident Bail Agent License No. 380856, issued to

ARNULFO E. QUINTERO, is hereby REVOKED;

IT IS FURTHER ORDERED that ARNULFO E. QUINTERO shall immediately return Resident Producer License No. 380856 to the Idaho Department of Insurance, P.O. Box 83720, Boise, Idaho 83720-0043;

IT IS FURTHER ORDERED that an administrative penalty of Four Thousand Dollars (\$4,000.00) is hereby imposed on ARNULFO E. QUINTERO, provided that said penalty shall be suspended but due and payable prior to any application for any licensure under title 41, Idaho Code, or reinstatement of ARNULFO E. QUINTERO's bail agent license, being submitted to the Director.

IT IS SO ORDERED.

DATED this 1ST day of August, 2013.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



WILLIAM W. DEAL
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).

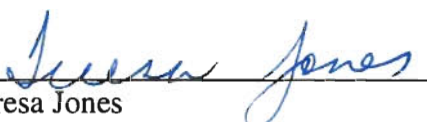
Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates 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 HEREBY CERTIFY that I have, on this 1st day of August, 2013, caused a true and correct copy of the foregoing ORDER OF DEFAULT to be served upon the following by the designated means:

Arnulfo E. Quintero
P.O. Box 3891
Idaho Falls, Idaho 83403-3891

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



Teresa Jones

LAWRENCE G. WASDEN
Attorney General

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richard.burleigh@doi.idaho.gov

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JUL 09 2013
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:

ARNULFO E. QUINTERO

Resident Bail Agent License No. 380856

Docket No. 18-2881-13

**VERIFIED COMPLAINT AND
NOTICE OF RIGHT TO HEARING**

COMES NOW the staff of the Idaho Department of Insurance (Department), by and through its undersigned counsel, and does hereby give notice of verified allegations constituting violation(s) of Idaho law, notice that relief will be requested from the Director of the Department, and a notice of the right to contest the allegations and requested relief herein and right to hearing to:

ARNULFO E. QUINTERO
Resident Bail Agent License No. 380856

The Department alleges the following facts and violations of title 41, Idaho Code, as itemized below. The Department will present an order seeking the relief described below upon

EXHIBIT
A

twenty-one (21) days following service of this verified Complaint, and, ARNULFO E. QUINTERO, you are further notified of your right to object to the requested relief, including the basis for any objection, and to request a hearing in writing.

ALLEGATIONS

The allegations and violations supporting the requested relief are:

1. ARNULFO E. QUINTERO (“RESPONDENT”) is an in-active resident bail agent, license no. 380856, which license was issued on June 22, 2011 pursuant to Idaho Code § 41-1039.
2. RESPONDENT’s activity as an active bail agent, as more particularly set forth below, places RESPONDENT under the jurisdiction of the Director of the Idaho Department of Insurance (“Director”) and title 41 of the Idaho Code.
3. On or about August 6, 2012, RESPONDENT posted three bonds, AA12-997647 for \$500.00, AA12997648 for 500.00 and AC11-037778 for \$20,000.00, on behalf of Paul Trumble, a resident of Minneapolis, Minnesota (the “Bonds”).
4. RESPONDENT accepted as collateral for the Bonds a 2012 Suzuki motorcycle and nine thousand dollars (\$9,000) cash.
5. RESPONDENT failed to provide Mr. Trumble with a receipt for the collateral referenced in the preceding paragraph.
6. RESPONDENT failed to place the \$9,000.00 cash collateral into a trust account separate and apart from any other funds or assets of RESPONDENT.
7. The Bonds were exonerated on or about October 17, 2012 by the Seventh Judicial District Court, State of Idaho, in and for the County of Bonneville.
8. Following exoneration of the bonds, RESPONDENT timely returned the 2012

Suzuki motorcycle and \$2,000 of the cash collateral to Mr. Trumble.

9. RESPONDENT failed to timely return to Mr. Trumble the remaining \$7000.00 of the cash collateral.

10. Pursuant to Idaho Code § 41-213, the Director may institute suits or other lawful proceedings as he may deem necessary for the enforcement of any provision of Title 41, Idaho Code, including but not limited to: (1) issuing an order revoking a person license issued under the authority of Idaho Code, title 41; and (2) imposing an administrative penalty as provided in Title 41, Idaho Code.

11. Pursuant to Idaho Code 41-1016(1)(b) the Director may impose an administrative penalty not to exceed \$1,000 if the Director finds that RESPONDENT violated any provision of title 41 of the Idaho Code.

12. Pursuant to Idaho Code 41-1016(1)(b) the Director may revoke or refuse to continue RESPONDENT's license issued under title 41, Idaho Code if the Director finds that RESPONDENT violated any provision of title 41 of the Idaho Code.

13. Pursuant to Idaho Code § 41-117, the Director may impose an administrative penalty not to exceed \$1,000 where a greater penalty is not provided.

FIRST CAUSE OF ACTION - §41-1043(2)(a)

14. The foregoing allegations in Paragraphs 1-13 are incorporated herein as if set forth in full.

15. Idaho Code § 41-1043(2)(a) provides that "Collateral received in the form of cash must be deposited and maintained in a trust account that is separate and apart from any other funds or assets of the bail agent."

16. RESPONDENT violated Idaho Code § 41-1043(2)(a) by failing to deposit and

maintain the cash collateral received from Mr. Trumble in a trust account that is separate and apart from any other funds or assets of RESPONDENT's.

17. Due to violation of Idaho Code § 41-1043(2)(a), the Director is authorized pursuant to Idaho Code § 41-1016(1)(b) to revoke RESPONDENT's bail agent license and impose a penalty not to exceed \$1,000.00 on RESPONDENT.

SECOND CAUSE OF ACTION – § 41- 1043(3)

18. The foregoing allegations in Paragraphs 1-17 are incorporated herein as if set forth in full.

19. Idaho Code § 41-1043(3) provides that "Collateral received must be returned to the person who deposited the collateral with the bail agent within fourteen (14) days of the date notice is received that the obligation, the satisfaction of which was secured by collateral, is discharged."

20. RESPONDENT violated Idaho Code § 41-1043(3) by failing to return to Mr. Trumble all of the cash collateral paid to RESPONDENT by Mr. Trumble within fourteen (14) days of notice that the bonds had been exonerated.

21. Due to violation of Idaho Code § 41-1043(3) the Director is authorized pursuant to Idaho Code § 41-1016(1)(b) to revoke RESPONDENT's bail agent license and impose a penalty not to exceed \$1,000.00 on RESPONDENT.

THIRD CAUSE OF ACTION – § 41-1043(5)

22. The foregoing allegations in paragraphs 1-21 are incorporated herein as if set forth in full.

23. Idaho Code § 41-1043(5) provides that "If a bail agent accepts collateral, the bail agent shall give a written receipt for the collateral to the person from whom the collateral was

received. The receipt shall include a full and detailed accounting of the collateral received.”

24. RESPONDENT violated Idaho Code § 41-1043(5) by failing to provide Mr. Trumble with a receipt for the collateral received.

25. Due to violation of Idaho Code § 41-1043(5), the Director is authorized pursuant to Idaho Code § 41-1016(1)(b) to revoke RESPONDENT’s bail agent license and impose a penalty not to exceed \$1,000.00 on RESPONDENT.

FOURTH CAUSE OF ACTION – § 41-1041(2)

26. The foregoing allegations in paragraphs 1-25 are incorporated herein as if set forth in full.

27. Idaho Code § 41-1041(2) provides that “In addition to the records set forth in section 41-1036, Idaho Code, a bail agent shall also maintain complete records pertaining to any collateral received and any charges collected for any bail bond transaction for at least five (5) years after the liability of the surety has been terminated.”

28. RESPONDENT violated Idaho Code § 41-1041(2) by failing to maintain complete records on the collateral received from Mr. Trumble.

29. Due to violation of Idaho Code § 41-1041(2), the Director is authorized pursuant to Idaho Code § 41-1016(1)(b) to revoke RESPONDENT’s bail agent license and impose a penalty not to exceed \$1,000.00 on RESPONDENT.

REQUEST FOR RELIEF

30. Based upon the foregoing facts and allegations, unless the Department receives a written objection from RESPONDENT, including the bases for the objection and a demand for hearing, within twenty-one (21) days following service of this notice, the Department intends to submit a proposed order to the Director whereby the Director shall:

- Impose an administrative penalty of four thousand dollars (\$4,000.00) (\$1,000.00 per violations alleged above) provided that such administrative penalty shall be suspended but due and payable by RESPONDENT prior to any application for licensure or reinstatement being submitted to the Director for any license issued pursuant to the authority of the Director under title 41, Idaho Code; and
- Immediately revoke RESPONDENT resident bail agent license no. 380856.

NOTICE OF RIGHT TO HEARING

THEREFORE, based on violations as alleged above, you have the right to have a hearing in accord with Idaho Code § 41-232A. In order to effectively object to this notice and prevent an order for the requested relief from being entered, you must, within twenty-one (21) days of the date of issuance of this Verified Complaint and Right to Hearing, submit a written request for a hearing to the Director of the Idaho Department of Insurance responding to the alleged violations pending against you. You must deliver any written request for hearing by mailing it to the Director, Idaho Department of Insurance, P.O. Box 83720, Boise, Idaho 83720-0043, or personally delivering said written request to the offices of the Department of Insurance at 700 W. State Street, Third Floor, Boise, Idaho, and also providing a copy to the undersigned at the same address.

If you fail to submit a timely written response to the allegations and request for hearing, a final order will be entered imposing the relief described above after twenty-one (21) days from the issuance of this Complaint.

DATED this 9th day of July, 2013.

OFFICE OF THE ATTORNEY GENERAL



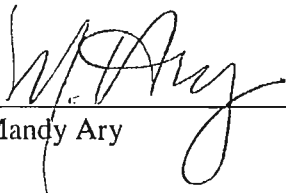
By: RICHARD B. BURLEIGH
Deputy Attorney General
Attorney for the Department of Insurance

IC §41-232A CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have, on this 9th day of July, 2013, and in compliance with Idaho Code §41-232A, caused a true and correct copy of the foregoing VERIFIED COMPLAINT AND NOTICE OF RIGHT TO HEARING to be served upon the following by the designated means:

Arnulfo E. Quintero
P.O. Box 3891
Idaho Falls, Idaho 83403-3891

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



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