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FILED
SEP 04 2013
Department of Insurance
State of Idaho

Attorneys for Idaho Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE
STATE OF IDAHO

In the Matter of:

JOHN THEBO,

Resident Producer License No. 383083.

Docket No. 18-2847-13

STIPULATION and ADMISSION

The parties herein, namely the Idaho Department of Insurance and its counsel of record, John C. Keenan, Deputy Attorney General, and John Thebo and his counsel of record, Elisa G. Massoth, do hereby agree and stipulate as follows:

1. That the Director of the Idaho Department of Insurance has jurisdiction over this matter pursuant to title 41, Idaho Code.
2. That on January 31, 2013, the Idaho Department of Insurance did file and serve a *Verified Complaint and Notification of Rights* (hereinafter "Verified Complaint") on the Respondent, John Thebo.

3. That on February 13, 2013, the Respondent filed an Answer to the Verified Complaint.

4. That the Verified Complaint set forth nine (9) alleged violations of title 41, Idaho Code.

5. That the parties hereto believe that this matter may be brought to a close by a negotiated and stipulated settlement.

6. That, in consideration of the foregoing, and of the admission by John Thebo of one violation and of dismissal of the remaining allegations, the parties stipulate and agree as follows:

- a. That John Thebo admits that he violated section 41-1016(1)(j);
- b. that the Respondent's Idaho Department of Insurance Resident Producer License No. 383083 shall be revoked;
- c. that John Thebo agrees and stipulates that an administrative penalty of Nine Thousand Dollars (\$9,000) shall be imposed, provided that Eight Thousand (\$8,000.00) of said penalty is suspended until such time in the future that John Thebo files an application for an insurance license with the Idaho Department of Insurance whereupon, before consideration of said application by the Idaho Department of Insurance, the penalty shall be paid in full;
- d. that the remaining sum of said penalty in the amount of One Thousand Dollars (\$1,000.00) is due and payable in full no later than November 1, 2013, otherwise the above-entitled matter shall be re-opened and the matter not dismissed with prejudice;

- e. that an appropriate final order may be entered herein by the Director of the Idaho Department of Insurance; and
- f. that the Respondent shall immediately return the original Idaho Resident Producer License No. 383083 to the Idaho Department of Insurance, PO Box 83720, Boise, Idaho 83720-0043 and the final order shall reflect that the license has been revoked.

7. That before executing this stipulation, John Thebo has had the opportunity to review this stipulation with an attorney of his choice and to seek appropriate advice and counsel relating thereto.

8. That the parties agree that the terms of this Stipulation are appropriate and proper under the circumstances referenced herein, and that they have entered into this Stipulation knowingly, voluntarily, and with full knowledge of any rights they may be waiving thereby. Additionally, the parties hereby waive the right to seek reconsideration and judicial review of the Final Order to be entered herein.

9. That the parties hereto waive their right to notice and hearing at which they may be represented by counsel, present evidence, and examine witnesses.

10. That the parties hereto have reviewed the proposed Final Order and agree as to its form and that said Final Order may be submitted to the Director of the Idaho Department of Insurance for his review and signature.

11. That the parties agree that Idaho Code Section 41-230 applies, Mr. Thebo and the admissions in this Stipulation are immune from any use in future criminal prosecution, use by the prosecution, or prosecution presentation in criminal proceedings related to this matter.

12. IT IS SO AGREED.

FINAL ORDER

The parties hereto, namely the Idaho Department of Insurance and licensed resident producer JOHN THEBO, having entered into a STIPULATION and ADMISSION on file herein, the form of the order having been approved, and the Director having reviewed the same, and having found that there is a factual basis for the matter as alleged herein, does hereby enter his Findings of Fact and Conclusions of Law as follows:

I. That John Thebo did violate Idaho Code § 41-1016(1)(j) when he forged another person's name on applications for insurance or reinstatement for insurance submitted to an insurer;

THEREFORE, based on the foregoing and in consideration of the premises,

IT IS HEREBY ORDERED that the **STIPULATION and ADMISSION** on file herein is approved and adopted as an Order of the Director, and is incorporated herein as if set forth in full and made a part hereof;

IT IS FURTHER ORDERED that **JOHN THEBO's** admission of the violation of Idaho Code § 41-1016(1)(j) set forth in the STIPULATION on file herein is accepted;

IT IS FURTHER ORDERED that **JOHN THEBO's** Resident Producer License No. 383083 is hereby **REVOKED**;

IT IS FURTHER ORDERED that **JOHN THEBO** shall return forthwith said Resident Producer License No. 383083 to the Idaho Department of Insurance, PO Box 83720, Boise, Idaho 83720-0043;

IT IS FURTHER ORDERED that an administrative penalty in the amount of NINE THOUSAND DOLLARS (\$9,000.00) is imposed against JOHN THEBO;

IT IS FURTHER ORDERED that EIGHT THOUSAND DOLLARS (\$8,000.00) of said penalty is **suspended** until such time that JOHN THEBO makes application for an insurance

license with the Idaho Department of Insurance, whereupon the balance of said suspended administrative penalty of \$8,000.00 shall be immediately due and payable, and shall be paid in full before the Idaho Department of Insurance shall consider such application; and,

IT IS FURTHER ORDERED that the remaining balance of the administrative penalty in the amount of ONE THOUSAND DOLLARS (\$1,000.00) shall be due and payable in full no later than November 1, 2013, provided that if said sum is not paid in full by said date, the matter shall **not be dismissed with prejudice and the matter shall be re-opened for further proceedings as alleged in the original Verified Complaint on file herein;**

IT IS FURTHER ORDERED that Idaho Code Section 41-230 applies, Mr. Thebo and the admissions in this Stipulation are immune from any use in future criminal prosecution, use by the prosecution, or prosecution presentation in criminal proceedings related to this matter.

IT IS FURTHER ORDERED that as a condition precedent that JOHN THEBO pays the outstanding amount due of One Thousand Dollars (\$1,000) in full as stated hereinabove on or before November 1, 2013, the undersigned Director of the Idaho Department of Insurance shall on or after said date enter an Order that **DISMISSES WITH PREJUDICE** the Verified Complaint on file herein.

IT IS SO ORDERED.

DATED this 4TH day of September 2013.

IDAHO DEPARTMENT OF INSURANCE

by William W. Deal
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, on this 4th day of ~~August~~ ^{September}, 2013, I caused a true and correct fully-executed copy of the foregoing **STIPULATION AND ADMISSION** and **FINAL ORDER** to be served upon the following person(s) at the address and by the means designated below:

Elisa G. Massoth, Esq.
Attorney for John Thebo
PO Box 1003
Payette, ID 83661

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


