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FILED
NOV 18 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.

BRYAN ALKIE HOWARD, an Idaho
non-resident insurance producer holding
Idaho Non-Resident Producer License No.
425398,

Respondent.

Docket No. 18-2893-13

**ORDER OF DEFAULT REVOKING
IDAHO NON-RESIDENT PRODUCER
LICENSE AND IMPOSING
ADMINISTRATIVE PENALTIES**

The Director of the Idaho Department of Insurance (Director), having reviewed the record on file herein; and it appearing therefrom that BRYAN ALKIE HOWARD, the Respondent herein, has been duly served with a copy of the “Complaint for Revocation of Idaho Non-Resident Producer License and the Imposition of Administrative Penalties” (Complaint) filed on October 24, 2013, by the Idaho Department of Insurance (Department) in this administrative proceeding, which Complaint, a copy of which is attached hereto as Exhibit A,

alleged violations of the Idaho Insurance Code; and it further appearing, 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 Complaint; and good cause appearing therefor,

NOW, THEREFORE, IT IS HEREBY ORDERED that Idaho Non-Resident Insurance Producer License No. 425398 issued to BRYAN ALKIE HOWARD is HEREBY REVOKED.

IT IS FURTHER ORDERED that BRYAN ALKIE HOWARD shall immediately return Idaho Non-Resident Producer License No. 425398 to the Idaho Department of Insurance at P.O. Box 83720, Boise, Idaho 83720-0043.

IT IS FURTHER ORDERED, pursuant to Idaho Code §§ 41-117 and 41-1016(1), that BRYAN ALKIE HOWARD shall pay to the Department the maximum administrative penalty authorized by law for each violation of the Idaho Insurance Code, as set forth in the Complaint, for a total penalty of Two Thousand Dollars (\$2,000).

IT IS SO ORDERED.

DATED this 18th day of November, 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 18th day of November, 2013, I caused a true and correct copy of the foregoing ORDER OF DEFAULT REVOKING IDAHO NON-RESIDENT PRODUCER LICENSE AND IMPOSING ADMINISTRATIVE PENALTIES to be served upon the following by the designated means:

Bryan Alkie Howard
3801 West First Street
Los Angeles, CA 90004

- 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

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OCT 24 2013

Department of Insurance
State of Idaho

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BRYAN ALKIE HOWARD, an Idaho
non-resident insurance producer holding
Idaho Non-Resident Producer License No.
425398,

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Docket No. 18-2893-13

**COMPLAINT FOR REVOCATION OF
IDAHO NON-RESIDENT PRODUCER
LICENSE AND THE IMPOSITION OF
ADMINISTRATIVE PENALTIES**

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.* (IIC), including Idaho Code § 41-213(1), which authorizes the Department's Director to issue an order affecting a person's insurance license and

to impose an administrative penalty for violations of the IIC, and § 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. BRYAN ALKIE HOWARD (the Respondent) is a resident of the state of California, in which state he holds a resident insurance producer license. The Respondent currently holds Idaho Non-Resident Producer License No. 425398, which license was issued on September 27, 2012. He held no Idaho insurance license prior to that date that would have authorized him to transact insurance in Idaho.

FACTS

3. During the time period relevant hereto, and specifically in and around the month of July, 2012, the Respondent was employed as an insurance producer by Dunhill Marketing and Insurance Services, Inc., in Los Angeles, California.

4. In or around early July, 2012, the Respondent arranged for a life insurance application through Transamerica Life Insurance Company (the Application) to be delivered to Glenna Lawrence, at her home in Buhl, Idaho. He accomplished this by working through Ms. Lawrence's step-son, Gregg Lawrence, who then lived in Arizona. The Respondent forwarded the Application to Gregg Lawrence in Arizona, who then forwarded the Application to Ms. Lawrence in Idaho.

5. Ms. Lawrence was interested in obtaining a life insurance policy at the time. She signed the Application in Idaho and then faxed it or otherwise caused it to be delivered to her step-son, Gregg Lawrence, who was then in Arizona.

6. The Application eventually ended up in the possession of the Respondent, who signed the Application on July 13, 2012, as the agent of Transamerica Life Insurance Company. The Respondent was in California when he signed the Application. Glenna Lawrence was in Idaho when she signed the Application and at the time the Respondent signed the Application, and therefore was not in the presence of the Respondent when he placed his signature on the Application. Nevertheless, on page 3 of the Application, the Respondent checked a box representing that he had asked all questions on the Application in the presence of the proposed insured, Ms. Lawrence; recorded the answers as given; and witnessed all signatures on the Application, which would have included Ms. Lawrence's signature. The Respondent did not hold an Idaho insurance license at the time he signed the Application or engaged in any of the acts leading up to the signatures being placed on the Application.

7. On or about July 19, 2012, the Respondent's employer, Dunhill Marketing & Insurance Services, Inc., forwarded the Application to Transamerica Life Insurance Company for the purposes of that company issuing a life insurance policy for Ms. Lawrence.

8. When Transamerica Life Insurance Company received and reviewed the Application, company staff discovered that the Respondent was not properly licensed in Idaho during the time period of the insurance transaction with Ms. Lawrence, nor at the time he signed the Application. As a result, on July 25, 2012, Transamerica Life Insurance Company returned the Application to Ms. Lawrence, along with a check for the premium amount she had paid and a

letter explaining that the company could not process the Application because the Respondent was not properly licensed when the Application was completed.

9. On September 27, 2012, the Respondent obtained Idaho Non-Resident Insurance Producer License No. 425398.

10. On or about May 15, 2013, after conducting an investigation of the Respondent's activities while acting as a producer for the company, Transamerica Life Insurance Company submitted to the Department a "Uniform Suspected Insurance Fraud Reporting Form," notifying the Department that the Respondent had been terminated as an insurance producer for that company due to suspected fraud. Such report caused the Department to investigate the circumstances regarding the Application and the Respondent's acts related thereto.

CONCLUSIONS OF LAW AND VIOLATIONS

COUNT ONE: SELLING, SOLICITING, OR NEGOTIATING INSURANCE IN IDAHO WITHOUT A LICENSE Idaho Code § 41-1004(1)

11. Paragraphs 2 through 10 above are incorporated fully herein by this reference.

12. Idaho Code § 41-1004(1) provides that a person shall not sell, solicit, or negotiate insurance in Idaho unless the person is licensed as a producer under the IIC.

13. The Respondent's acts leading to the completion of the Application, including placing his signature on the Application and arranging to have the completed Application forwarded to Transamerica Life Insurance Company, while he failed to hold an Idaho insurance producer license, constituted a violation of Idaho Code § 41-1004(1).

14. Idaho Code § 41-213(1)(b) and -(c) provide that the Department's Director (Director) may institute such suits or other lawful proceedings as necessary to address violations

of the IIC, to include issuing an order affecting a person's license and imposing an administrative penalty.

15. Idaho Code § 41-1016(1)(b) permits the Director to revoke the license of a producer who violates any provision of title 41, Idaho Code.

16. The Respondent's violation of Idaho Code § 41-1004(1) authorizes the Director, pursuant to Idaho Code §§ 41-213(1)(b) and -(c) and 41-1016(1)(b) to revoke the Non-Resident Insurance Producer License currently held by the Respondent and to impose the maximum administrative penalty authorized by law.

*COUNT TWO: MISREPRESENTATION OF A MATERIAL FACT ASSOCIATED
WITH AN INSURANCE TRANSACTION
Idaho Code § 41-1016(1)(e)*

17. Paragraphs 2 through 10 above are incorporated herein by this reference.

18. Idaho Code § 41-1016(1)(e) provides that misrepresenting any fact material to any insurance transaction or proposed transaction is a violation of the IIC, authorizing the Director to revoke an Idaho insurance license and impose an administrative penalty not to exceed \$1,000 (one thousand dollars) for such violation.

19. The Respondent's false representation on the Application that he had asked all questions on the Application in the presence of the proposed insured, recorded the answers as given, and witnessed all signatures, constitutes the misrepresentation of a material fact associated with an insurance transaction in violation of Idaho Code § 41-1016(1)(e), authorizing the Director to revoke the Respondent's Non-Resident Insurance Producer License and to impose the maximum penalty authorized by law.

REQUEST FOR RELIEF

20. Based on the foregoing, the Department prays that the Director enter an order revoking Idaho Non-Resident Producer License No. 425398 held by the Respondent and to impose the maximum penalty for the violations set forth herein as authorized by law.

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 24th day of October, 2013.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL



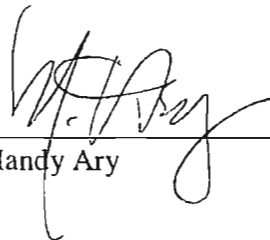
A. RENÉ MARTIN
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 24th day of October, 2013, I caused a true and correct copy of the foregoing COMPLAINT FOR REVOCATION OF IDAHO NON-RESIDENT PRODUCER LICENSE AND THE IMPOSITION OF ADMINISTRATIVE PENALTIES to be served upon the following by the designated means:

Bryan Alkie Howard
3801 West First Street
Los Angeles, CA 90004

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



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