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*Attorneys for the Department of Insurance*

FILED

MAR 05 2014

Department of Insurance  
State of Idaho

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE**

**STATE OF IDAHO**

In the Matter of:

ELSA SANCHEZ,

Resident Bail Agent License No. 133930

Docket No. 18-2920-14

**CONSENT ORDER**

The parties herein, namely the Idaho Department of Insurance (the "Department"), by and through its counsel of record, Richard B. Burleigh, Deputy Attorney General, and ELSA SANCHEZ, Resident Bail Agent License No. 133930 ("SANCHEZ"), by and through her counsel, Ryan Henson of Gulstrom Henson & Roark, PC, do hereby agree and stipulate as follows:

**FINDINGS OF FACT**

1. SANCHEZ is an active resident bail agent holding license No. 133930 since its issuance on February 10, 2006, which license was issued pursuant to Idaho Code § 41-1039, and is therefore subject to the provisions of title 41, Idaho Code, and to the rules of the Idaho Department of Insurance promulgated thereunder.

2. A bail bond issued on behalf of Aracelie Herrera, written by SANCHEZ, was forfeited by the Fifth District Court in Jerome County, Idaho.
3. On or about June 14, 2013, Lexon Insurance Company issued payment on the forfeiture of the bond in the amount of \$2,500.
4. Lexon Insurance Company mistakenly sent the payment of the bond to the Third District Court in Canyon County, Idaho.
5. SANCHEZ was notified by the Third District Court in Canyon County about the check and, on or about June 28, 2013, SANCHEZ picked up the check and deposited it into her business account.
6. SANCHEZ discussed the check and payment to the Fifth District Court in Jerome County with a representative of Lexon Insurance Company, and it was agreed that SANCHEZ would write a check out of her business account to the Fifth District Court in Jerome County to settle the forfeiture.
7. SANCHEZ failed to pay to the Fifth District Court in Jerome County the forfeiture funds until November 21, 2013, notwithstanding several efforts by the Fifth District Court in Jerome County to contact SANCHEZ regarding payment, and only after the Fifth District Court in Jerome County contacted Lexon Insurance Company to secure payment of the forfeiture.
8. The parties agree that this matter may be brought to a close by this negotiated and stipulated Consent Order.

#### **CONCLUSIONS OF LAW**

9. Pursuant to Idaho Code § 41-1016(1)(b), the Director may impose an administrative penalty not to exceed One Thousand Dollars (\$1,000) if the Director finds a violation of any provision of title 41, Idaho Code.

10. Pursuant to Idaho Code § 41-1016(1)(d), the Director may impose an administrative penalty not to exceed One Thousand Dollars (\$1,000) if the Director finds that SANCHEZ improperly withheld any money received in the course of doing insurance business

11. IDAPA 18.01.04.018 provides that “[i]t is a violation of Section 41-1329(6), Idaho Code, for a bail surety to intentionally, or with such frequency as to indicate a general business practice, fail to pay a claim for forfeiture after liability for payment has become reasonably clear.”

12. It is an unfair claim settlement practice, pursuant to Idaho Code § 41-1329(6), for an individual to not attempt in good faith to effectuate prompt, fair and equitable settlements of claims in which liability has become reasonably clear.

13. The liability under the forfeited bail bond for Aracelie Herrera was not contested.

14. SANCHEZ had no good faith basis for delaying payment of the funds to the Fifth District Court in Jerome County for one hundred forty-seven (147) days and therefore violated of Idaho Code § 41-1329(6).

15. SANCHEZ improperly withheld payment to the Fifth District Court in Jerome County for a period of one hundred forty-seven (147) days in violation of Idaho Code § 41-1016(1)(d).

#### **CONSENT TO ORDER**

16. SANCHEZ consents to the entry of this Order and waives any right to notice and hearing at which she may be represented by counsel, present evidence and examine witnesses.

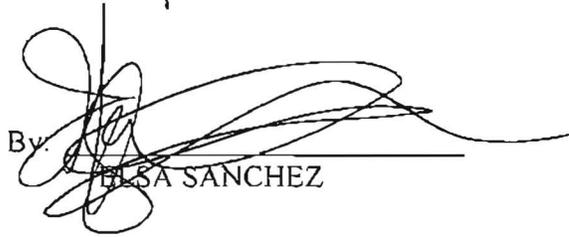
17. SANCHEZ and the Department agree that SANCHEZ will pay an administrative penalty in the amount of One Thousand Dollars (\$1,000.00) to the Department within five (5) business days from entry of this Consent Order.

18. SANCHEZ hereby waives the right to seek reconsideration and judicial review of

the Order entered herein.

19. SANCHEZ 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.

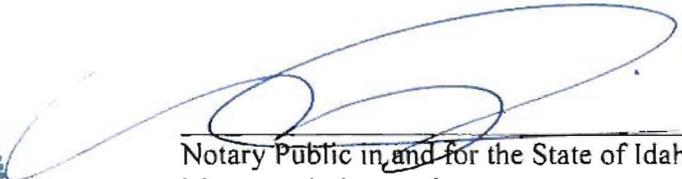
AGREED THIS 28 day of February, 2014.

By:   
ELSA SANCHEZ

State of Idaho            )  
  ) ss.  
County of Ada            )

On this 28<sup>th</sup> day of February, 2014, before me, the undersigned Notary Public, personally appeared ELSA SANCHEZ, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.



  
\_\_\_\_\_  
Notary Public in and for the State of Idaho  
My commission expires on \_\_\_\_\_

**FINAL ORDER**

Pursuant to the foregoing Findings of Fact, Conclusions of Law and Consent to Order,  
**IT IS HEREBY ORDERED,**

1. SANCHEZ shall pay an administrative penalty in the amount of One Thousand Dollars (\$1,000.00), payment of which shall be made within five (5) business days of the date of entry of this Order.

DATED this 5<sup>th</sup> March day of ~~February~~, 2014.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE

*For*  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 for which you are 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. You 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 you hold an insurance license.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on this 5th day of March, 2011, I caused a true and correct copy of the foregoing, fully-executed **CONSENT ORDER** to be served upon the following by the designated means:

Ryan Patrick Henson  
Gulstrom Henson & Roark, PC  
1009 W. Sanetta Street  
Nampa, ID 83651

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

Richard B. Burleigh  
Deputy Attorney General  
Idaho Department of Insurance  
700 W. State Street, 3<sup>rd</sup> Floor  
P.O. Box 83720  
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- first class mail
- certified mail
- hand delivery
- via facsimile

Crum & Forster Indemnity Company  
305 Madison Avenue  
Morristown, NJ 07962

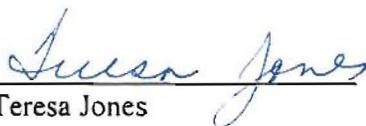
- first class mail
- certified mail
- hand delivery
- via facsimile

Lexon Insurance Company  
10002 Shelbyville Road, Suite 100  
Louisville, KY 40223-2979

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

Williamsburg National Insurance Company  
26255 American Drive  
Southfield, MI 48034

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

  
\_\_\_\_\_  
Teresa Jones