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Attorneys for the Department of Insurance

FILED 

AUG 05 2014

Department of Insurance
State of Idaho

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

STATE OF IDAHO, DEPARTMENT OF
INSURANCE,

Complainant,

vs.

KIM McCAMPBELL, an insurance producer
holding Idaho non-resident license no. 300287,

Respondent.

Docket No. 18-2955-14

**STIPULATION FOR CONSENT
ORDER & CONSENT ORDER**

The Idaho Department of Insurance ("Department") and its counsel of record, Brandon Karpen, Deputy Attorney General, and Kim McCampbell, insurance producer holding Idaho non-resident license no. 300287, hereby agree and stipulate as follows:

1. The Director of the Department has jurisdiction over this matter pursuant to Title 41, Idaho Code.

2. On April 20, 1994, McCampbell entered into a Consent Agreement with the Montana Department of Insurance as a named party in an administrative hearing regarding McCampbell's Montana insurance license.

3. On May 18, 1994, McCampbell pled guilty to deceptive practices, a felony, in the state of Montana.

4. Since that time, McCampbell has had no reportable events against his insurance license.

5. In October 2008, McCampbell applied to the Department for a non-resident producer license.

6. As part of the October 2008 application process, McCampbell was asked on his license application, question 1, if he "[had] been convicted of a crime, had a judgment withheld or deferred, or are ... currently charged with committing a felony." McCampbell responded "no."

7. On the October 2008 application, McCampbell was also asked in question 5, "[a]re you currently a party to, or have been found liable in any lawsuit or arbitration proceeding involving allegations of fraud misappropriation or conversation of funds, misrepresentation or breach of fiduciary duty." McCampbell responded "no."

8. On June 4, 2014, McCampbell applied to the Department to convert his non-resident license to a resident license.

9. McCampbell was asked on his June 4, 2014 license application, question 1b, if he "[had] been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony." McCampbell responded "no."

10. On the June 4, 2014, application, McCampbell was asked in question 2, "have you ever been named or involved as a party in an administrative proceeding, including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration."

McC Campbell again responded "no."

11. On June 5, 2014, the Department discovered McC Campbell's unreported administrative proceeding with the Montana Department of Insurance, and his 1994 felony guilty plea and deferred judgment in the state of Montana.

12. McC Campbell claimed he consulted with attorneys who informed him that the actions were ultimately dismissed, expunged, and no longer disclosable. This advice was incorrect.

13. McC Campbell provided documentation that he had consulted with a professional compliance advisory company regarding his pending application, and that it had advised him to respond to the question in the way he did because the events were over twenty years old, and because no documentation of either the administrative action or court action could be obtained. This advice was incorrect.

14. McC Campbell's failure to report the administrative action, and the felony guilty plea violates Idaho Code § 41-1016(1)(a), which prohibits "providing incorrect, misleading, incomplete, or materially untrue information in the license application," and allows for imposition of an administrative penalty of \$1,000 per violation and suspension of a license.

15. The parties agree that this matter can be brought to a close by a negotiated and stipulated settlement as opposed to an administrative enforcement action.

16. In settlement of this matter, the parties therefore agree as follows:

- a. McC Campbell admits that, in October 2008, he violated Idaho Code § 41-1016(1)(a) when he submitted misleading, incomplete or materially untrue information on his Idaho non-resident insurance producers license application;
- b. McC Campbell admits that, on June 4, 2014, he violated Idaho Code § 41-1016(1)(a) when he submitted misleading, incomplete or materially untrue

information his application for Idaho resident insurance producers license;

- c. McCampbell will pay a \$500 penalty for each violation, totaling \$1,000, to the Department within three days of the execution of the attached Consent Order;
- d. Upon payment of the penalty and execution of the Consent Order, the Department will waive its right to pursue an administrative enforcement action against McCampbell for providing incorrect, misleading, incomplete or materially untrue information on his license applications; and
- e. Upon payment of the penalty and execution of the Consent Order, the Department will issue McCampbell a resident producer's license.

17. McCampbell acknowledges that he has had the opportunity to consult with counsel concerning this Stipulation and proposed Consent Order.

18. McCampbell waives his right to notice and hearing, at which he may be represented by counsel, present evidence and examine witnesses.

19. McCampbell waives his right to submit this matter for review by a court of competent jurisdiction.

20. The parties have reviewed and understand the terms and conditions of this Stipulation and the proposed Consent Order, incorporated as part of this document.


21. The parties agree that the terms of this Stipulation are appropriate and proper under the circumstances, and that they entered into this Stipulation voluntarily and with full knowledge of any and all rights they may be waiving.

22. The parties waive the right to seek reconsideration and/or judicial review.

23. The parties agree that the Consent Order will be submitted to the Director of the Idaho Department of Insurance for his review and signature.

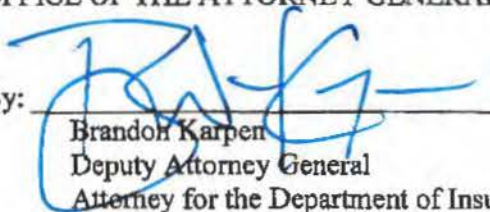
AGREED THIS 5th day of August, 2014.

IDAHO DEPARTMENT OF INSURANCE

By: 
Georgia Siehl, CPA, CFE
Bureau Chief, Chief Examiner
Idaho Department of Insurance

Approved as to Form:

OFFICE OF THE ATTORNEY GENERAL

By: 
Brandon Karpen
Deputy Attorney General
Attorney for the Department of Insurance

CONSENT ORDER

The Idaho Department of Insurance and Respondent Kim McCampbell have entered into a Stipulation for Consent Order, which has been reviewed, considered, and incorporated herein. Having reviewed the same and good cause appearing,

IT IS HEREBY ORDERED that the Stipulation for Consent Order is approved and adopted as an Order of the Director; and

IT IS FURTHER ORDERED that McCampbell shall pay the Department a penalty of \$1,000 due in full within three business days from the execution of this order.

IT IS SO ORDERED.

DATED this 5th day of August, 2014

By:  Dep. Director
for WILLIAM W. DEAL, Director
IDAHO DEPARTMENT OF INSURANCE

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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of August, 2014, I caused a true and correct copy of the foregoing STIPULATION FOR CONSENT ORDER & CONSENT ORDER to be served upon the following by the designated means:

Kim McCampbell
320 Expressway, Ste. A
Missoula, MT 59808-1571

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

Brandon Karpen
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043

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- via email


Teresa Jones