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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.

KENNETH YELLEN, an insurance producer  
holding Idaho resident producer license no.  
391186,

Respondent.

Docket No. 18-2947-14

**STIPULATION FOR CONSENT  
ORDER & CONSENT ORDER**

The Idaho Department of Insurance (“Department”) and its counsel of record, Brandon Karpen, Deputy Attorney General, and Kenneth Yellen, insurance producer holding Idaho resident license no. 391186, 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 July 8, 2014, the Department filed and served a Verified Complaint and Notice of Right to Hearing (“Complaint”) on Respondent Kenneth Yellen.

3. The Complaint set forth three counts alleging 120 violations of the Idaho Insurance Code.

4. Count One alleged forty violations of Idaho Code § 41-1016(1)(e), that Yellen had “misrepresent[ed] the terms of an actual or proposed insurance contract or application for insurance or ... any fact material to any insurance transaction or proposed transaction.”

5. Count Two alleged forty violations of Idaho Code § 41-1016(1)(h), that Yellen had engaged in “fraudulent, coercive or dishonest practices, or demonstrate[ed] incompetence, untrustworthiness or financial irresponsibility, or [to having been] a source of injury and loss to the public or others, in the conduct of business in this state or elsewhere.”

6. Count Three alleged forty violations of Idaho Code § 41-1016(1)(j), that Yellen had “forg[ed] another’s name on an application for insurance or on any document related to an insurance transaction.”

7. 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.

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

a. That Kenneth Yellen admits to Count Two, violations of Idaho Code § 41-1016(1)(h);

b. That the remaining alleged violations of title 41, Count One and Count Three as set forth in the Complaint, shall be dismissed with prejudice;

c. That Kenneth Yellen’s Idaho Resident Insurance Producer License No. 391186 shall be revoked;

d. That Kenneth Yellen agrees and stipulates that an administrative penalty of

\$40,000.00 shall be imposed, provided that \$35,000.00 of said penalty is suspended until such time in the future that Kenneth Yellen files an application for an insurance license with the Idaho Department of Insurance whereupon, before consideration of such an application, the penalty shall be paid in full;

- e. That the remaining \$5,000.00 of the penalty shall be paid as follows: 1) \$1,000.00 to the Department within ten days of the execution of the attached Consent Order, and 2) \$4,000.00 payable over time in ten consecutive \$200.00 monthly payments due to the Department by the last day of each month beginning September 30, 2014;
- f. That an appropriate Final Order, incorporated herein, may be entered by the Director of the Idaho Department of Insurance; and
- g. That Kenneth Yellen shall immediately return the original Idaho Resident Producer License No. 391186 to the Idaho Department of Insurance, at PO Box 83720, Boise, Idaho 83720-0043, and destroy any digital copy in his possession.

9. Yellen acknowledges that he has had the opportunity to consult with an attorney of his choice concerning this Stipulation and Consent Order.

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

11. The parties have reviewed and understand the terms and conditions of this Stipulation and Consent Order.

12. The parties agree that the terms of this agreement 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.

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

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

IT IS SO AGREED

DATED this 5<sup>th</sup> day of August, 2014.

RESPONDENT

  
\_\_\_\_\_  
KENNETH YELLEN  
Resident Producer License No. 391186

ACKNOWLEDGEMENT


STATE OF IDAHO )  
County of Ada ) ss.

On this 5<sup>th</sup> day of August, 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared KENNETH YELLEN, who executed the foregoing instrument, and acknowledged to me that the said instrument is free and voluntary act and deed, for the uses and purposes therein mentioned.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written

My commission expires: 7/24/2018



  
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Notary Public in and for the  
State of Idaho  
Residing at Boise, Idaho





**CONSENT ORDER**

The Idaho Department of Insurance and Respondent Kenneth Yellen 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 Kenneth Yellen's Resident Insurance Producer License is REVOKED;


IT FURTHER ORDERED that Kenneth Yellen shall pay the Department a penalty of \$40,000 as follows:

1. \$35,000.00 is suspended until such time that Kenneth Yellen files an application for an insurance license with the Idaho Department of Insurance whereupon, before consideration of such an application, the penalty shall be paid in full;
2. \$1,000.00 due in full within ten business days from the execution of this order;
3. \$4,000.00 payable over time in twenty consecutive \$200.00 monthly payments due to the Department by the last day of each month beginning September 30, 2014; and

IT IS FURTHER ORDERED that Kenneth Yellen destroy all digital and physical copies of Idaho Resident Producer License No. 391186.

**IT IS SO ORDERED.**

DATED this 5<sup>th</sup> day of August, 2014

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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have, on this 5<sup>th</sup> day of August, 2014, 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:

Kenneth Yellen  
1803 Poplar St  
Caldwell, ID 83605-5958

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

  
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Teresa Jones