

LAWRENCE G. WASDEN
Attorney General

JOHN C. KEENAN
Deputy Attorney General
Idaho Department of Insurance
700 W. State St.
PO Box 83720
Boise, Idaho 83720-0043
Telephone No. (208) 334-4283
Facsimile No. (208) 334-4298
I.S.B. No. 3873

FILED 

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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:

WILLIAM R. KINYON,

an Idaho Resident Producer holding License No.
29475,

Respondent.

Docket No. 18-2949-14

**STIPULATION and
FINAL ORDER**

The parties herein, namely the Idaho Department of Insurance and its counsel of record, John C. Keenan, Deputy Attorney General, and William R. Kinyon, and his counsel of record, David H. Leroy, do hereby agree and stipulate as follows:

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

2. On July 7, 2014, the Idaho Department of Insurance (hereinafter "Department") did file and serve a *Verified Complaint and Notification of Rights* (hereinafter "Verified Violation") on the Respondent, William R. Kinyon (hereinafter "Kinyon").

3. On July 29, 2014, Kinyon filed an answer to the Verified Complaint.

4. The Verified Complaint included two counts alleging that Kinyon had wrongfully deposited the sum of \$3,000.00 into his personal account, thereby violating two subsections of Idaho Code § 41-1016(1).

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

6. In consideration of the foregoing, the parties stipulate and agree as follows:

- a. That William R. Kinyon admits to having violated subsection (d) of Idaho Code § 41-1016(1);
- b. That William R. Kinyon admits to having violated subsection (h) of Idaho Code § 41-1016(1);
- c. That William R. Kinyon's Idaho Resident Insurance Producer License No. 29475 shall be suspended for a period of ninety (90) days after entry of the Final Order herein;
- d. That William R. Kinyon agrees and stipulates that an administrative penalty of \$2,000.00 shall be imposed; and,
- e. That an appropriate Final Order may be entered herein by the Director of the Idaho Department of Insurance.

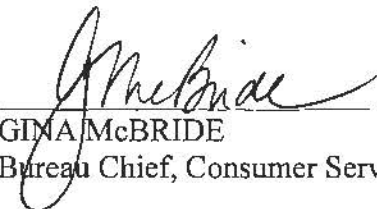
7. Before executing this Stipulation, William R. Kinyon has had the opportunity to review this Stipulation with his attorney, David H. Leroy, and to seek appropriate advice and counsel relating thereto.

8. 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.

9. The parties hereto waive their right to notice and hearing at which they may be

DATED this 18 day of November, 2014.

IDAHO DEPARTMENT OF INSURANCE


GINA McBRIDE
Bureau Chief, Consumer Services

ACKNOWLEDGEMENT


STATE OF IDAHO)
County of ADA : ss.)

On this 18th day of November, 2014, before me, John C. Keenan, a notary public of the state of Idaho, personally appeared GINA MCBRIDE, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledge to me that she executed the same.



John C. Keenan
Notary Public for Idaho
MO Commission Expires: 30 Oct 2017

STIPULATION and FINAL ORDER APPROVED AS TO FORM:



John C. Keenan, Deputy Attorney General
Attorney for Idaho Department of Insurance

FINAL ORDER

The parties hereto, namely the Idaho Department of Insurance and licensed resident producer WILLIAM R. KINYON, having entered into the foregoing STIPULATION 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:

1. That William R. Kinyon did violate Idaho Code § 41-1016(1)(d) and -(h) when he wrongfully deposited client funds into his personal account;

IT IS HEREBY ORDERED that the **STIPULATION** 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 **WILLIAM R. KINYON**'s admission of the two violations set forth in the **STIPULATION** on file herein is accepted;

IT IS FURTHER ORDERED that **WILLIAM R. KINYON**'s Resident Producer License No. 29475 is hereby **SUSPENDED** for a period of ninety (90) days from the date of this Final Order; and,

IT IS FURTHER ORDERED that an administrative penalty in the amount of **TWO THOUSAND DOLLARS (\$2,000.00)** is imposed against **WILLIAM R. KINYON** and is due and payable immediately.

IT IS SO ORDERED.

DATED this 21ST day of November, 2014.

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 21st day of November, 2014, I caused a true and correct fully-executed copy of the foregoing STIPULATION and FINAL ORDER to be served upon the following person(s) at the address and by the means designated below:

David H. Leroy, Esq.
PO Box 193
Boise, ID 83701

first class mail
 certified mail
 hand delivery

American National Insurance Company
One Moody Plaza
Galveston, TX 77550

first class mail
 certified mail
 hand delivery

Government Personnel Mutual Life Insurance Co.
2211 N.E. Loop 410
San Antonio, TX 78217

first class mail
 certified mail
 hand delivery

Pruco Life Insurance Company
213 Washington Street
Newark, NJ 07102-2992

first class mail
 certified mail
 hand delivery

John C. Keenan
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
Boise, ID 83702

first class mail
 certified mail
 hand delivery



Teresa Jones