

LAWRENCE G. WASDEN  
Attorney General

MICHAEL WITRY – I.S.B. No. 7960  
Deputy Attorney General  
Idaho Department of Insurance  
700 W. State Street, 3<sup>rd</sup> Floor  
PO Box 83720  
Boise, Idaho 83720-0043  
Telephone No. (208) 334-4219  
Facsimile No. (208) 334-4298  
michael.witry@doi.idaho.gov

**FILED**  
**MAR 31 2022** *AM*  
Department of Insurance  
State of Idaho

*Attorneys for the Department of Insurance*

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE**  
**STATE OF IDAHO**

IDAHO DEPARTMENT OF INSURANCE,

Complainant,

vs.

KYLE BLAINE SWALLOW, an individual  
holding Idaho Resident Producer License No.  
749302,

Respondent.

Docket No. 18-4064-22

**STIPULATION AND  
FINAL ORDER**

COME NOW the staff of the Idaho Department of Insurance (“Department”) and KYLE BLAINE SWALLOW (hereinafter “SWALLOW”) and do hereby agree and stipulate as follows:

**FINDINGS OF FACT**

1. SWALLOW is a licensed insurance producer in the state of Idaho, holding Resident Producer License No. 749302, which license is due to expire on March 31, 2022. SWALLOW is subject to the provisions of title 41, Idaho Code, and to the rules of the Idaho Department of

Insurance promulgated thereunder.

2. The Director of the Department (“Director”) has jurisdiction over SWALLOW and the subject matter herein pursuant to provisions of Idaho’s Producer Licensing Act, Idaho Code §§ 41-1001 *et seq.*, as well as the Idaho Insurance Code, Idaho Code §§ 41-101 *et seq.*

3. On January 31, 2022, the Department filed a Verified Complaint and Notice of Right to Hearing (hereinafter “Verified Complaint”), seeking revocation of SWALLOW’s producer license and imposition of administrative penalties.

4. Among the allegations in the Verified Complaint were that, on eight occasions, SWALLOW made material misrepresentations on applications for insurance, used fraudulent practices, and forged signatures on applications for insurance.

#### **CONCLUSIONS OF LAW**

5. Idaho Code § 41-1016(1) provides that the Director of the Department may impose an administrative penalty of up to \$1,000, and suspend, revoke, or refuse to issue an insurance license for certain enumerated violations.

6. Idaho Code § 41-1016(1)(e) gives cause for the imposition of a penalty and action against a producer for “[m]isrepresenting the terms of an actual or proposed insurance contract or application for insurance or misrepresenting any fact material to any insurance transaction or proposed transaction.”

7. Idaho Code § 41-1016(1)(h) gives cause for the imposition of a penalty and action against a producer for “demonstrating incompetence, untrustworthiness or financial irresponsibility... in the conduct of business in this state or elsewhere.”

8. Idaho Code § 41-1016(1)(j) gives cause for the imposition of a penalty and action against a producer for “[f]orging another’s name on an application for insurance or on any

document related to an insurance transaction.”

9. By submitting eight applications for insurance without interviewing or receiving permission from the purported applicants, SWALLOW violated Idaho Code §§ 41-1016(1)(e), 41-1016(1)(h), and 41-1016(1)(j).

10. Idaho Code § 41-117 makes clear that each instance of violation may be treated as a separate offense.

11. The parties agree that this matter may be brought to a close by a negotiated and stipulated settlement and entry of this Stipulation and Final Order.

### **AGREEMENT**

12. Based upon the foregoing, SWALLOW and the Department stipulate and agree as follows:

- a. SWALLOW admits to eight violations of Idaho Code § 41-1016(1)(e) by misrepresenting facts on applications for insurance;
- b. SWALLOW admits to eight violations of Idaho Code § 41-1016(1)(h) by using fraudulent and dishonest practices and demonstrating untrustworthiness by submitting applications to insure people without their permission;
- c. SWALLOW admits to eight violations of Idaho Code § 41-1016(1)(j) by submitting applications for insurance bearing false signatures;
- d. SWALLOW and the Department agree to the penalties set forth below and agree that the Director of the Department may enter the Final Order attached hereto, which provides as follows:
  - i. That the Stipulation be adopted in full and incorporated into the Final Order;

- ii. That SWALLOW's Idaho Resident Producer License No. 749302 shall be REVOKED and that SWALLOW shall not submit, nor shall the Department consider, any application by SWALLOW for issuance or reinstatement of an Idaho producer license for a period of five (5) years from the issuance of the Final Order;
  - iii. That an administrative penalty shall be imposed against SWALLOW in the amount of Eight Thousand Dollars (\$8,000);
- e. SWALLOW further expressly agrees that, in the event he submits to the Department an application for any Idaho license provided for and authorized under title 41, Idaho Code, the Department may consider the facts and allegations in the Verified Complaint in this action as true for the limited purpose of evaluating SWALLOW's character and fitness for licensure.

13. By entering into this Stipulation, SWALLOW knowingly and voluntarily waives any rights he would otherwise have to notice and a hearing at which he may be represented by counsel, present evidence, and examine witnesses. The parties hereto further waive their right of reconsideration, appeal, and other rights as set forth in title 67, chapter 52, Idaho Code, including the right to submit this matter for review by a court of competent jurisdiction.

14. The parties agree that the terms of this Stipulation and Final Order are appropriate and proper under the circumstances referenced herein.

15. The parties do not intend the admissions contained herein to constitute evidence of guilt in a criminal proceeding.

16. SWALLOW acknowledges that he has read this Stipulation and Final Order and understands its contents; that he has been given the opportunity to discuss this Stipulation and

Final Order with independent legal counsel of his choosing; and that he has entered into this Stipulation knowingly, voluntarily, and with full knowledge of any rights he may be waiving thereby.

17. SWALLOW acknowledges that this is an administrative action that may be required to be reported on license applications and license renewal forms and disclosed to other agencies through which SWALLOW holds a license.

18. This Stipulation is subject to approval by the Director or the Director's designee, and shall become effective and binding upon the Department and SWALLOW upon such approval. Should the Director decline to approve this Stipulation and Final Order, the Department and SWALLOW shall retain all of their rights, claims and/or defenses, and any factual and/or legal admissions made by SWALLOW herein shall be withdrawn.

19. This Stipulation constitutes the full and final resolution of all matters addressed herein, and the Department agrees that, subject to the Director's approval described above, the Department shall seek no further civil or administrative sanctions for the violations alleged in the Verified Complaint, Docket No. 18-4064-22, subject to the agreement set forth in Paragraph 12 above.

20. SWALLOW agrees that, upon execution of this Stipulation and Final Order, no subsequent action or assertion shall be maintained or pursued in any manner asserting the invalidity of this Stipulation and Final Order and its provisions.

21. This Stipulation and Final Order embodies the entire agreement between the Department and SWALLOW, and there are no agreements, understandings, representations, or warranties that are not expressly set forth herein.

22. Upon the Director's entry of the Final Order approving this stipulation, this Stipulation and Final Order shall be a public record under the Idaho Public Records Act.

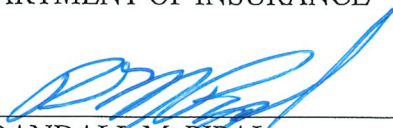
AGREED this 26<sup>th</sup> day of MARCH, 2022.

By: 

KYLE BLAINE SWALLOW


AGREED this 30<sup>th</sup> day of March, 2022.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE

By:   
RANDALL M. PIPAL  
Bureau Chief, Consumer Services

Approved as to Form:

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

By:   
Michael Witry  
Deputy Attorney General  
Attorney for the Department of Insurance

**FINAL ORDER**

The parties hereto, namely the Idaho Department of Insurance and KYLE BLAINE SWALLOW, having entered into the foregoing Stipulation, and the form of the order having been approved, the Director, having reviewed the same, does hereby find that there is a factual basis for entry of a Final Order herein and does hereby conclude that SWALLOW did violate title 41, Idaho Code, as stated in the Stipulation.

NOW, THEREFORE, based on the foregoing and in consideration of the premises,

IT IS HEREBY ORDERED that the foregoing Stipulation is approved and is incorporated herein as if set forth in full and made a part hereof;

IT IS FURTHER ORDERED that Idaho Resident Insurance Producer License No. 749302



issued to SWALLOW is hereby REVOKED effective immediately and that SWALLOW shall not submit, nor shall the Department consider, any application by SWALLOW for issuance or reinstatement of an Idaho producer license for a period of five (5) years from the issuance of this Final Order;

IT IS FURTHER ORDERED that an administrative penalty in the amount of Eight Thousand Dollars (\$8,000) is hereby imposed against SWALLOW;

IT IS FURTHER ORDERED that, in the event SWALLOW submits to the Department an application for any Idaho license provided for and authorized under title 41, Idaho Code, the Department may consider the facts and allegations in the Verified Complaint in this action as true for the limited purpose of evaluating SWALLOW's character and fitness for licensure.

DATED this 31 day of March, 2022.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE

  
\_\_\_\_\_  
DEAN L. CAMERON  
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 31<sup>st</sup> day of March, 2022, I caused a true and correct copy of the foregoing, fully-executed STIPULATION AND FINAL ORDER to be served upon the following by the designated means:

Kyle Blaine Swallow 3025 N. Records Ave., Apt. G101 Meridian, ID 83646-6848	<input checked="" type="checkbox"/> first class mail <input type="checkbox"/> certified mail <input type="checkbox"/> hand delivery <input checked="" type="checkbox"/> email: <u>kyleblaineswallow@gmail.com</u>
Kansas City Life Insurance Company 3520 Broadway Kansas City, MO 64111-2565	<input checked="" type="checkbox"/> first class mail <input type="checkbox"/> certified mail <input type="checkbox"/> hand delivery <input type="checkbox"/> via facsimile
Michael Witry Deputy Attorney General Idaho Department of Insurance 700 W. State Street, 3 <sup>rd</sup> Floor P.O. Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> first class mail <input type="checkbox"/> certified mail <input checked="" type="checkbox"/> hand delivery <input type="checkbox"/> via facsimile

  
Pamela Murray