

LAWRENCE G. WASDEN
Attorney General

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FILED

AUG 29 2022

Department of Insurance
State of Idaho

Attorneys for Idaho Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

IDAHO DEPARTMENT OF INSURANCE,

Complainant,

vs.

JOHN FIORE PETROCCIA, an individual holding
Idaho Non-Resident Producer License No. 718873
and Idaho Non-Resident Surplus Lines Broker
License No. 718874,

Respondent.

Docket No. 18-4143-22

ORDER OF DEFAULT

The Director of the Idaho Department of Insurance (“Director”) having reviewed the record herein; and John Fiore Petroccia (“Petroccia”) who currently holds Idaho Non-Resident Producer License No. 718873 and Idaho Non-Resident Surplus Lines Broker License No. 718874, having been lawfully served the Verified Complaint and Notice of Right to Hearing (“Complaint”), a copy of which is attached hereto as Exhibit “A” and incorporated herein, and, as evident from the Affidavit of Michael Witry, having failed to file an answer thereto and having failed to request a hearing regarding said Complaint; and the Director having found as a result thereof that Petroccia has waived his rights regarding the opportunity for hearing; and in consideration of the above;

IT IS HEREBY ORDERED that Idaho Non-Resident Producer License No. 718873 and Idaho Non-Resident Surplus Lines Broker License No. 718874 issued to Petroccia are REVOKED, effective immediately.

IT IS FURTHER ORDERED that Petroccia shall not be issued a new non-resident producer license or a non-resident surplus lines broker license under title 41, Idaho Code, for a period of five (5) years from the date of this Order, after which time, in the event Petroccia seeks a new non-resident producer license or Idaho non-resident surplus lines broker license, Petroccia must petition and show good cause why the prior revocations should not be deemed a bar to the issuance of any new Idaho insurance license.

IT IS FURTHER ORDERED that within thirty (30) days of the service date of this Order, Petroccia shall pay to the Idaho Department of Insurance an administrative penalty of *three thousand, seven hundred and fifty dollars* (\$3,750).

DATED this 27th day of August, 2022.

IDAHO DEPARTMENT
OF INSURANCE



Dean L. Cameron
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29 day of August, 2022, I caused a true and correct copy of the foregoing ORDER OF DEFAULT to be served upon the following parties by the designated means:

John Petroccia 12 Main Street Randolph, NJ 07869-3437	<input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: jpetroccia@leapeasy.com
Karl T. Klein Deputy Attorney General Idaho Department of Insurance 700 W. State St., 3 rd Floor PO Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: karl.klein@doi.idaho.gov
Michael Witry Deputy Attorney General Idaho Department of Insurance 700 W. State St., 3 rd Floor PO Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: michael.witry@doi.idaho.gov


Penny Wilcox

LAWRENCE G. WASDEN
Attorney General

MICHAEL WITRY – I.S.B. No. 7960
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Attorneys for Idaho Department of Insurance

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Department of Insurance
State of Idaho

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE
STATE OF IDAHO

IDAHO DEPARTMENT OF INSURANCE,

Complainant,

vs.

JOHN FIORE PETROCCIA, an individual
holding Idaho Non-Resident Producer License
No. 718873 and Idaho Non-Resident Surplus
Lines Broker License No. 718874,

Respondent.

Docket No. 18-4143-22

**VERIFIED COMPLAINT AND
NOTICE OF RIGHT TO HEARING**

COMES NOW the staff of the Idaho Department of Insurance (“Department”), by and through its undersigned counsel, Michael Witry, Deputy Attorney General, and does hereby give notice of verified allegations constituting violation(s) of Idaho law, notice that relief will be requested from the Director of the Department, and a notice of the right to contest the allegations and requested relief herein and right to hearing to:

JOHN FIORE PETROCCIA
Idaho Non-Resident Producer License No. 718873
Idaho Non-Resident Surplus Lines Broker License No. 718874

The Department alleges the following facts and violations of title 41, Idaho Code, as itemized below. The Department will present an order seeking the relief described below upon twenty-one (21) days following service of this Verified Complaint, and JOHN FIORE PETROCCIA is further notified of his right to object to the requested relief, including the basis for any objection, and to request a hearing in writing.

JURISDICTION

1. Jurisdiction in this matter is founded in the Idaho Insurance Code, Idaho Code § 41-101 et seq., including Idaho Code § 41-210, which authorizes the Director of the Department of Insurance (“Director”) to enforce the provisions of title 41 of the Idaho Code, including those governing Respondent’s activities as an insurance producer.

2. Jurisdiction is further founded in Idaho Code § 41-213, which authorizes the Department to institute such proceedings as deemed necessary for the enforcement of any provision of the Idaho Insurance Code including, but not limited to, license revocation and the imposition of administrative penalties.

RESPONDENT

3. JOHN FIORE PETROCCIA (hereinafter “PETROCCIA”) was, upon information and belief, a New Jersey resident during all pertinent times as alleged herein. Petroccia carries Idaho Non-Resident Producer License No. 718873, which license is due to expire on January 31, 2023. Petroccia also carries Idaho Non-Resident Surplus Lines Broker License No. 718874, which license is due to expire on January 31, 2023.

CONTROLLING LAW

4. Idaho Code § 41-1016(1) provides that the Director may suspend, revoke or refuse to issue or renew a producer's license and may impose an administrative penalty up to one thousand dollars (\$1,000), if the Director finds that any of the causes or violations set forth in subsections 41-1016(1)(a) through (o) exist, including specifically subsection (b), which prohibits:

(b) Violating any provision of title 41, Idaho Code, department rule, subpoena or order of the director or of another state's insurance director;

5. IDAPA 18.06.06.012 provides that by March 1st of each year, each surplus lines broker will file an annual report of surplus line business transacted during the previous calendar year on an approved form.

6. Idaho Code § 41-1230 provides that if any broker fails to file his annual report prior to the first day of April after the tax is due, the broker shall be liable for a fine of twenty-five dollars (\$25.00) for each day of delinquency commencing with the second day of April.

7. Idaho Code § 41-117 provides that each instance of violation may be considered a separate offense.

8. Pursuant to Idaho Code § 41-1026(3), the Director shall not issue a license under title 41, Idaho Code, to any person whose license has been revoked until after the expiration of not less than one (1) year to a maximum of five (5) years and, upon a former licensee's application for re-licensure, the Director may require the former licensee "to show good cause why the prior revocation ... shall not be deemed a bar to the issuance of a new license."

COUNT I

9. All of the foregoing paragraphs are realleged and incorporated herein as though set forth in full.

10. PETROCCIA did not file his annual report of surplus lines by March 1, 2022.

11. The Department sent a notice of late filing to PETROCCIA on March 7, 2022.
12. The Department sent a second notice of late filing to PETROCCIA on May 19, 2022.
13. The Department sent a third notice of late filing to PETROCCIA on July 12, 2022.
14. PETROCCIA has not yet filed his annual report of surplus lines business for 2021.
15. PETROCCIA violated Idaho Code § 41-1016(1)(b) by failing to file an annual report of surplus line business transacted during 2021 in violation of IDAPA 18.06.06.012.

PRAYER FOR RELIEF

Based on the foregoing facts and allegations, the Department prays for relief as follows:

1. For an Order revoking JOHN FIORE PETROCCIA's Idaho Non-Resident Producer License No. 718873, and providing that PETROCCIA shall not be issued a new license under title 41, Idaho Code, for a period of five (5) years after which time, in the event PETROCCIA seeks a new license, PETROCCIA must petition and show good cause why the prior revocation should not be deemed a bar to the issuance of a new license; and
2. For an Order revoking JOHN FIORE PETROCCIA's Idaho Non-Resident Surplus Lines Broker License No. 718874, and providing that PETROCCIA shall not be issued a new license under title 41, Idaho Code, for a period of five (5) years after which time, in the event PETROCCIA seeks a new license, PETROCCIA must petition and show good cause why the prior revocation should not be deemed a bar to the issuance of a new license; and
3. For an Order imposing a fine against PETROCCIA in the amount of \$25.00 for each day between April 2, 2022, and the date of the Order; and

4. For such other and further relief as the Director deems just and necessary under the circumstances.

NOTIFICATION OF RIGHTS

TO: JOHN FIORE PETROCCIA, the above-named RESPONDENT:

Pursuant to Idaho Code § 41-232A, you have the right to a hearing on this matter. In order to exercise this right, a written request for a hearing must be filed and served upon the Department within twenty-one (21) days after service of this Complaint. Failure to file and serve a written request for a hearing upon the Department within the 21-day time period shall be deemed a waiver of the opportunity for a hearing and to contest the allegations in the Complaint, pursuant to Idaho Code § 41-232A(2). If you fail to submit a timely written response to the allegations within 21 days of the service of this Complaint, a final order will be entered imposing the relief described above.

Any written request for a hearing shall be served on the Director of the Idaho Department of Insurance, addressed as follows:

Dean L. Cameron, Director
Idaho Department of Insurance
P.O. Box 83720
Boise, ID 83720-0043

A copy shall also be provided to the Department's counsel in this matter at the following address:

Michael Witry
Deputy Attorney General
Idaho Department of Insurance
P.O. Box 83720
Boise, ID 83720-0043

In lieu of a hearing, this matter may be resolved by negotiation, stipulation, agreed settlement, or consent order, pursuant to Idaho Code § 67-5241(1)(c). Should you wish to discuss

these options, please contact the undersigned deputy attorney general.

DATED this 15th day of August, 2022.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL



MICHAEL WITRY
Deputy Attorney General
Attorneys for Idaho Department of Insurance

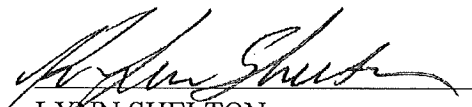
VERIFICATION

STATE OF IDAHO)
 : ss.
County of Ada)

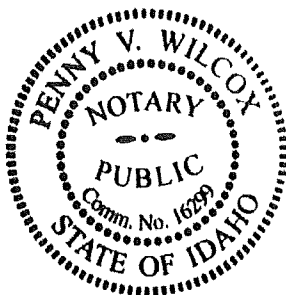
LYNN SHELTON, Premium Tax Specialist of the Department of Insurance, State of Idaho, being first duly sworn, deposes and says:

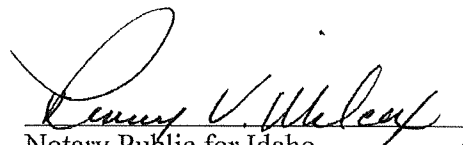
I have read the foregoing Verified Complaint and Notice of Right to Hearing and know the contents thereof and the same are true to the best of my knowledge and belief.

Dated this 1st day of August, 2022.


LYNN SHELTON
Acting Premium Tax Specialist
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me, the undersigned Notary Public for the State of on this 5th day of August, 2022.

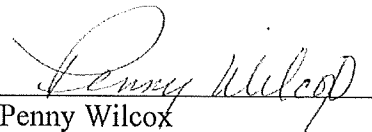



Notary Public for Idaho
My Commission Expires 07/02/2027

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of August, 2022, I caused a true and correct copy of the foregoing VERIFIED COMPLAINT AND NOTICE OF RIGHT TO HEARING to be served upon the following by the designated means:

John Petroccia 12 Main Street Randolph, NJ 07869-3437	<input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: jpetroccia@leapeasy.com
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Michael Witry Deputy Attorney General Idaho Department of Insurance 700 W. State St., 3 rd Floor PO Box 83720 Boise, ID 83720-0043 <i>Counsel for Department of Insurance</i>	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: michael.witry@doi.idaho.gov


Penny Wilcox