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Attorney General

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**FILED**

**APR 07 2015**

*AM*

Department of Insurance  
State of Idaho

*Attorneys for the Department of Insurance*

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE**

**STATE OF IDAHO**

STATE OF IDAHO, DEPARTMENT OF  
INSURANCE,

Complainant,

vs.

CLAYMONTE ARSHAWN McNEILL, Non-  
Resident Producer License No. 479800,

Respondent.

Docket No. 18-3011-15

**ORDER OF DEFAULT REVOKING  
NON-RESIDENT PRODUCER  
LICENSE**

The Director of the Idaho Department of Insurance (Director) has reviewed the record in the above-captioned case. Respondent Claymonte Arshawn McNeill has been lawfully served the Verified Complaint and Notice of Right to Hearing, a copy of which is attached hereto as Exhibit A. As evidenced from the Affidavit of Brandon Karpen, McNeill has failed to file an answer to the Verified Complaint and has failed to request a hearing. Accordingly, having found that McNeill has waived his rights regarding the opportunity for hearing,

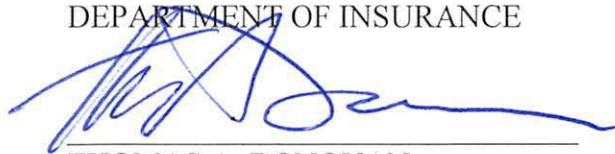
IT IS HEREBY ORDERED that Non-Resident Producer License No. 479800 issued to

Claymonte Arshawn McNeill is hereby REVOKED. McNeill shall immediately return Non-Resident Producer License No. 479800 to the Idaho Department of Insurance, P.O. Box 83720, Boise, Idaho 83720-0043.

IT IS SO ORDERED.

DATED: April 7<sup>th</sup>, 2015.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE



THOMAS A. DONOVAN  
Acting 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**

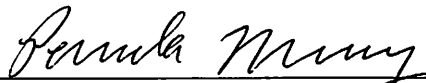
I HEREBY CERTIFY that I have, on this 7<sup>th</sup> day of April, 2015, caused a true and correct copy of the foregoing ORDER OF DEFAULT REVOKING NON-RESIDENT PRODUCER LICENSE to be served upon the following by the designated means:

Claymonte Arshawn McNeill  
9005 Cameron Spring Rd  
Charlotte, NC 28214-7131

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

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

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

  
Admin. Asst.

LAWRENCE G. WASDEN  
Attorney General

FILED

MAR 09 2015 *WMA*

BRANDON KARPEN, ISB No. 7956  
Deputy Attorney General  
State of Idaho  
Department of Insurance  
700 W. State Street, 3<sup>rd</sup> Floor  
P.O. Box 83720  
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Department of Insurance  
State of Idaho

*Attorneys for the Department of Insurance*

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE**

**STATE OF IDAHO**

STATE OF IDAHO , DEPARTMENT OF  
INSURANCE,

Complainant,

vs.

CLAYMONTE ARSHAWN McNEILL, Non-  
Resident Producer License No. 479800,

Respondent.

Docket No. 18-3011-15

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

The Idaho Department of Insurance ("Department") complains and allege as follows:

**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.

EXHIBIT

A

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.

3. This pleading also serves as notice to Respondent of his right to contest the allegations, of the requested relief, and of his right to hearing.

### CONTROLLING LAW

4. This action is brought pursuant to Idaho Code § 41-1016(1), which defines the causes and violations that can lead to the imposition of administrative penalties and suspension, revocation, or refusal of an insurance license.

5. This action is brought pursuant to Idaho Code §§ 41-1016(1)(b) and (i), which state:

**41-1016. Administrative penalty--Suspension, revocation, refusal of license**

(1) The director may impose an administrative penalty not to exceed one thousand dollars (\$1,000), for deposit in the general fund of the state of Idaho, and may suspend for not more than twelve (12) months or may revoke or refuse to issue or continue any license issued under this chapter, chapter 27, title 41, Idaho Code (title insurance), chapter 11, title 41, Idaho Code (adjusters), or chapter 12, title 41, Idaho Code (surplus lines brokers), if the director finds that as to the licensee or applicant any one (1) or more of the following causes or violations exist:

...

(b) Violating any provision of title 41, Idaho Code, department rule, subpoena or order of the director ...

...

(i) Having an insurance license denied, suspended or revoked in any other state, province, district or territory[.]

**RESPONDENT**

6. Claymonte Arshawn McNeill is a North Carolina-licensed resident insurance producer, currently holding Idaho Non-resident Insurance Producer License No. 479800. The license was issued on March 18, 2014, and expires July 31, 2016. Department records reflect that McNeill is also actively licensed in Alaska, Alabama, Arizona, Connecticut, Delaware, Georgia, Indiana, Louisiana, Maine, Minnesota, Mississippi, Montana, New Hampshire, Nevada, Oklahoma, Oregon, Rhode Island, South Carolina, Utah, Vermont, West Virginia, and Wyoming.

7. Between October 2012 and November 2013, McNeill worked as a claim representative for State Farm Insurance Company in North Carolina.

**FACTUAL ALLEGATIONS**

8. On or about September 11, 2014, McNeill was arrested and charged with embezzlement and obtaining property by false pretense for allegedly issuing thirteen unauthorized claim drafts totaling nearly \$70,000.00 to his spouse.

9. On information and belief, the initial pretrial hearing in that matter was held on or about September 11, 2014.

10. McNeill has not reported this criminal proceeding to the Department.

11. On or about September 23, 2014, the Washington State Insurance Commissioner entered an order revoking McNeill's Washington insurance license effective October 8, 2014. McNeill has not reported this administrative action to the Department.

12. On or about October 15, 2014, the Commonwealth of Kentucky Insurance Commissioner revoked McNeill's Kentucky insurance license. McNeill has not reported this administrative action to the Department.

**COUNT ONE: VIOLATION OF IDAHO CODE § 41-1016(1)(i)**

13. Paragraphs 1 through 12 are re-alleged as if set forth in full.

14. Idaho Code § 41-1016(1)(i) permits the Department to seek an order that suspends or revokes the license of any producer who has had “an insurance license denied, suspended or revoked in any other state, province, district or territory.”

15. Based on the revocation of McNeill’s insurance licenses in Washington and Kentucky, the Department has cause and is entitled to an order revoking McNeill’s Idaho non-resident insurance producer license, pursuant to Idaho Code § 41-1016(1)(i).

**COUNT TWO: VIOLATION OF IDAHO CODE § 41-1021(1)**

16. Paragraphs 1 through 15 are re-alleged as if set forth in full.

17. Idaho Code § 41-1016(1)(b) permits the Department to seek an order that suspends or revokes the license of any producer who has “violat[ed] any provision of title 41, Idaho Code.”

18. Idaho Code § 41-1021(1) requires that a producer report to the Department’s Director “any administrative action taken against the producer in another jurisdiction [...] within thirty (30) days of the final disposition of the matter.”

19. McNeill’s failure to report the administrative actions taken against him by the insurance commissioners of Washington and Kentucky constitute violations of Idaho Code § 41-1021(1). Therefore, the Department has cause and is entitled to an order revoking McNeill’s Idaho non-resident insurance producer license, pursuant to Idaho Code § 41-1016(1)(b).

**COUNT THREE: VIOLATION OF IDAHO CODE § 41-1021(2)**

20. Paragraphs 1 through 19 are re-alleged as if set forth in full.

21. Idaho Code § 41-1021(2) requires that a producer report to the Department's Director "[w]ithin thirty (30) days of the initial pretrial hearing date [...] any criminal prosecution of the producer taken in any jurisdiction."

22. McNeill's failure to report the criminal prosecution against him, as described in paragraphs 3-5, constitutes a violation of Idaho Code § 41-1021(2). Therefore, the Department has cause and is entitled to an order revoking McNeill's Idaho non-resident insurance producer license, pursuant to Idaho Code § 41-1016(1)(b).

#### **REQUEST FOR RELIEF**

Therefore, based upon the foregoing facts and allegations, unless the Department receives a written objection from Respondent, including the basis for the objection and a demand for hearing, within 21 days following service of this verified complaint and notice, the Department intends to submit a proposed order to the Director whereby the Director shall revoke Respondent's non-resident insurance producer license.

#### **NOTICE OF RIGHT TO A HEARING**

Pursuant to Idaho Code § 41-232A, Respondent has 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 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).



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

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

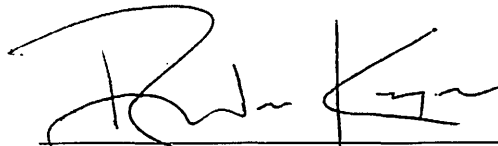
A copy shall also be provided to the Department's counsel in this matter, Brandon Karpen, Deputy Attorney General, at the following address:

Brandon Karpen  
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. Should you wish to discuss these options, please contact the undersigned deputy attorney general. If Respondent fails 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.

DATED this 7<sup>th</sup> day of March, 2015.

OFFICE OF THE ATTORNEY GENERAL



By: BRANDON KARPEN  
Deputy Attorney General  
Attorney for the Department of Insurance

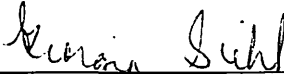
VERIFICATION

STATE OF IDAHO )  
                          : ss.  
County of Ada     )

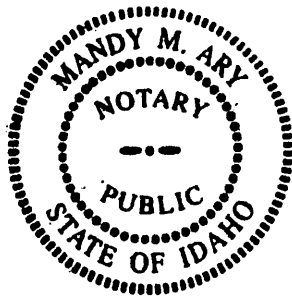
Georgia Siehl, Company Activities Bureau Chief for the Idaho Department of Insurance, being first duly sworn, deposes and says:

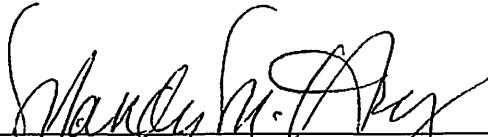
I have read the foregoing Complaint and know the contents thereof, and the same are true to the best of my knowledge and belief and based on the records of the Department.

DATED this 9<sup>th</sup> day of March, 2015.

  
\_\_\_\_\_  
Georgia Siehl

SUBSCRIBED AND SWORN to before me this 9<sup>th</sup> day of March, 2015.



  
\_\_\_\_\_  
Notary Public for Idaho  
My commission expires on 7/24/2018

**CERTIFICATE OF SERVICE**

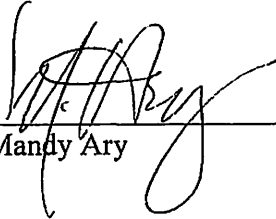
I HEREBY CERTIFY that, on this 9<sup>th</sup> day of March, 2015, I caused a true and correct copy of the foregoing VERIFIED COMPLAINT AND NOTICE OF RIGHT TO HEARING to be served upon the following by the designated means:

Claymonte Arshawn McNeill  
Gallagher Bassett  
13860 Ballantyne Corporate Pl. Ste. 500  
Charlotte, NC 28277-3168

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

Claymonte Arshawn McNeill  
9005 Cameron Spring Rd  
Charlotte, NC 28214-7131

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

  
\_\_\_\_\_  
Mandy Ary