

LAWRENCE G. WASDEN
Attorney General

JOHN C. KEENAN
Deputy Attorney General
State of Idaho
Department of Insurance
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I.S.B. No. 3873

FILED
APR 07 2015
Department of Insurance
State of Idaho

PM

Attorneys for the Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

IDAHO DEPARTMENT OF INSURANCE,

Complainant,

vs.

DAVID FOLDESI, an individual holding
Idaho Resident Producer License No. 503230,

Respondent.

Docket No. 18-3016-15

**ORDER OF DEFAULT REVOKING
IDAHO RESIDENT PRODUCER
LICENSE**

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

IT IS HEREBY ORDERED that Idaho Resident Producer License No. 503230 issued to

David Foldesi is hereby REVOKED. The Respondent shall immediately return Idaho Resident Producer License No. 503230 to the Idaho Department of Insurance, P.O. Box 83720, Boise, Idaho 83720-0043.

IT IS SO ORDERED.

DATED: April 7th, 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 7th day of April, 2015, caused a true and correct copy of the foregoing ORDER OF DEFAULT REVOKING IDAHO RESIDENT PRODUCER LICENSE to be served upon the following by the designated means:

David Foldesi
604 Phillippi Street
Boise, ID 83705

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

David Foldesi
810 1st Street N.
Nampa, ID 83687-3302

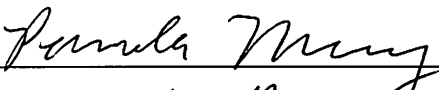
- first class mail
- certified mail
- hand delivery
- via facsimile

Blue Cross of Idaho Health Service, Inc.
3000 E. Pine Avenue
Meridian, ID 83642

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

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

JOHN C. KEENAN
Deputy Attorney General
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Department of Insurance
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MAR 09 2015 *WMA*

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.

DAVID FOLDESI, an individual holding
Idaho Resident Producer License No.
503230,

Respondent.

Docket No. 18-3016-15

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

The Idaho Department of Insurance (hereinafter "Department"), by and through its attorney of record, John C. Keenan, Deputy Attorney General, does hereby complain and allege as follows:

1. The Director of the Department has jurisdiction in the state of Idaho over matters involving insurance regulation and licensing, in accordance with title 41, Idaho Code.

EXHIBIT

A

2. This administrative proceeding is brought under the provisions of the Idaho Insurance Code, Idaho Code § 41-101 *et seq.*, including, among other sections, Idaho Code § 41-1016, which authorizes the Department to initiate a contested case against an Idaho-licensed insurance producer, seeking revocation of the insurance producer's license, as well as the imposition of administrative penalties, if the Director of the Department finds that any one or more of the causes or violations set forth in subsections (1)(a) through -(n) of that section exist.

3. All acts as alleged herein were committed within the state of Idaho.

RESPONDENT

4. The Respondent, DAVID FOLDESI (hereinafter "Foldesi"), holds Idaho Resident Producer License No. 503230, issued by the Department on October 7, 2014.

COUNT ONE

5. Paragraphs 1 through 4 are incorporated here as if set forth in full.

6. On or about November 14, 2014, acting as an insurance producer, Foldesi submitted an application for health insurance to a health insurer on behalf of another person.

7. Foldesi did not obtain the permission or signature of the other person to submit an application for health insurance to the health insurer.

8. By submitting said application for health insurance without permission or signature of the other person, Foldesi misrepresented that the insured wanted to purchase such insurance.

9. Based on the foregoing, Foldesi violated section 41-1016(1)(e), Idaho Code, by misrepresenting a "fact material to [an] insurance transaction or proposed transaction."

COUNT TWO

10. Paragraphs 1 through 9 are incorporated here as if set forth in full.

11. On or about December 17, 2014, submitted an application for health insurance at the Your Health Idaho website.

12. In that application for health insurance, Foldesi represented that he was married to a certain woman and that they filed taxes jointly.

13. As of said date, Foldesi was in fact not married to the woman he claimed to be his spouse in the health insurance application submitted at the Your Health Idaho website.

14. Foldesi misrepresented a material fact in the application for health insurance.

15. Based on the foregoing, Foldesi violated section 41-1016(1)(e), Idaho Code, by misrepresenting a "fact material to [an] insurance transaction or proposed transaction."

COUNT THREE

16. Paragraphs 1 through 15 are incorporated here as if set forth in full.

17. Based on the allegations set forth above, Foldesi used fraudulent or dishonest practices, or demonstrated incompetence or untrustworthiness, or was a source of injury and loss to the public or others in the course of insurance business in this state, in violation of section 41-1016(1)(h), Idaho Code.

PRAYER

Based on violations of the Idaho Code as hereinabove alleged, the Department prays for relief that the Director enter an order revoking Foldesi's Resident Producer License No. 503230 and imposing an administrative penalty against Foldesi in the amount of \$1,000 for each violation of the law.

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DATED this 6 day of March, 2015.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL



John C. Keenan
Deputy Attorney General

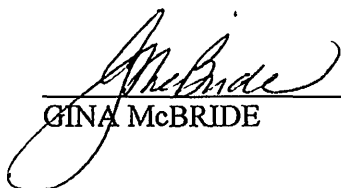
VERIFICATION

STATE OF IDAHO)
 : ss.
County of Ada)

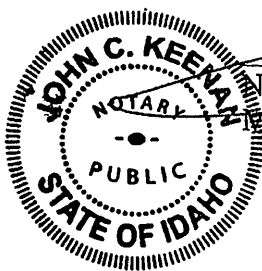
GINA McBRIDE, Consumer Services Bureau Chief, Department of Insurance, State of Idaho, being first duly sworn, deposes and says:

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

Dated this 6 day of March, 2015.


GINA McBRIDE

6 SUBSCRIBED AND SWORN to before me the undersigned Notary Public of Idaho this day of March, 2015.



Notary Public for Idaho
My Commission Expires

30 Dec 7, 2019

NOTICE OF RIGHT TO A HEARING

THE RESPONDENT IS HEREBY NOTIFIED, pursuant to Idaho Code § 41-232A(2), that 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 twenty-one (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, John C. Keenan, Deputy Attorney General, at the following address:

John C. Keenan
Deputy Attorney General
Idaho Department of Insurance
P.O. Box 83720
Boise, ID 83720-0043

In lieu of holding 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 this matter, please contact the undersigned deputy attorney general.



John C. Keenan

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th 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:

David Foldesi
810 1st Street N.
Nampa, ID 83687-3302

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

David Foldesi
604 Phillippi Street
Boise, ID 83705

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

David Foldesi
Health Insurance Associates
324 Caldwell Blvd., Ste. A
Nampa, ID 83651-8409

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

Blue Cross of Idaho Health Service, Inc.
3000 E. Pine Avenue
Meridian, ID 83642

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

Medico Insurance Company
P.O. Box 10386
Des Moines, IA 50306-0386

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



Mandy Ary