

LAWRENCE G. WASDEN  
Attorney General

RICHARD B. BURLEIGH, ISB No. 4032  
Deputy Attorney General  
State of Idaho  
Department of Insurance  
700 W. State Street, 3<sup>rd</sup> Floor  
P.O. Box 83720  
Boise, Idaho 83720-0043  
Telephone: (208) 334-4219  
Facsimile: (208) 334-4298

*Attorneys for the Department of Insurance*

**FILED**   
**JUN 02 2015**  
Department of Insurance  
State of Idaho

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

STATE OF IDAHO, DEPARTMENT OF  
INSURANCE,

Complainant,

vs.

LINDA KAUFERT, a.k.a. LINDA MIKULA,  
a non-resident insurance producer holding  
Idaho license no. 474473,

Respondent.

Docket No. 18-3038-15

**ORDER OF DEFAULT**

The Director of the Idaho Department of Insurance (“Director”) having reviewed the record herein; and LINDA KAUFERT, Non-Resident Producer License No. 474473, having been lawfully served the Verified Complaint and Notice of Right to Hearing, a copy of which is attached hereto as Exhibit A and incorporated herein, and, as evident from the Affidavit of Richard B. Burleigh, having failed to file an answer thereto and having failed to request a hearing regarding said Verified Complaint; and the Director having found as a result thereof that

LINDA KAUFERT has waived her rights regarding the opportunity for hearing; and in consideration of the premises;

IT IS HEREBY ORDERED that the Non-Resident Producer License No. 474473 issued to LINDA KAUFERT is hereby REVOKED;

IT IS FURTHER ORDERED that LINDA KAUFERT shall immediately return Non-Resident Producer License No. 474473 to the Idaho Department of Insurance, P.O. Box 83720, Boise, Idaho 83720-0043;

IT IS SO ORDERED.

DATED this 2<sup>nd</sup> day of June, 2015.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE



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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 2nd day of June, 2015, caused a true and correct copy of the foregoing ORDER OF DEFAULT to be served upon the following by the designated means:

Linda Kaufert  
901 Saunders Rd, Apt 11  
Kaukauna, WI 54130-8465

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

Linda Kaufert  
Jewelers Mutual Insurance Company  
24 Jewelers Park Drive  
Neenah, WI 54956-3702

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

  
Pamela Murray

LAWRENCE G. WASDEN  
Attorney General

RICHARD B. BURLEIGH, ISB No. 4032  
Deputy Attorney General  
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LINDA KAUFERT, a.k.a. LINDA MIKULA,  
a non-resident insurance producer holding  
Idaho license no. 474473,

Respondent.

Docket No. 18-3038-15

**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,

EXHIBIT

A

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. LINDA KAUFERT ("Kaufert") is a Wisconsin-licensed insurance producer, currently holding Idaho non-resident insurance producer license no. 474473. The license was issued January 17, 2014, and expires March 31, 2016. Department records reflect that Kaufert's address of record is in Kaukauna, Wisconsin. Kaufert is formerly known as Linda Mikula.

### **FACTUAL ALLEGATIONS**

4. On September 4, 1986, Kaufert entered a guilty plea to embezzlement of funds by a bank employee in the United States District Court for the Eastern District of Wisconsin in *United States v. Mikula*, Case No. 86-CR-96. As a result of her guilty plea, Kaufert was sentenced to incarceration of eight consecutive weekends and three years of probation and was ordered to pay \$3,700 in restitution.

5. On January 16, 2014, Kaufert submitted a Uniform Application for Individual Resident License ("Uniform Application") to the Department denying that she had "ever been convicted of, or [was] currently charged with, committing a crime ....".

6. On January 26, 2015, the Florida Department of Financial Services entered a Final Order finding that Kaufert had provided false information in a license application and that she had been found guilty of a felony crime involving moral turpitude. The Florida Department

denied Kaufert's contested application for insurance license and imposed a permanent bar from admission ("Florida Administrative Action").

7. At the time of the filing of this action, Kaufert has not reported the disposition of the Florida Administrative Action.

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

8. Paragraphs 1-7 are re-alleged as if set forth in full.

9. Idaho Code § 41-1016(1)(a) prohibits a producer from "[p]roviding incorrect, misleading, incomplete or materially untrue information in the license application."

10. When Kaufert submitted her Uniform Application on January 10, 2013, she stated she had not ever been convicted of, and was not currently charged with, committing a crime.

11. When Kaufert submitted the Uniform Application, she provided the Department with incorrect, misleading, incomplete or materially untrue information in a license application in violation of Idaho Code § 41-1016(1)(a).

**COUNT TWO: VIOLATION OF IDAHO CODE § 41-1016(1)(f)**

12. Paragraphs 1-11 are re-alleged as if set forth in full.

13. Idaho Code § 41-1016(1)(f) prohibits a producer from "[b]eing convicted of or pleading guilty to any felony, or to a misdemeanor which evidences bad moral character, dishonesty, a lack of integrity and financial responsibility, or an unfitness and inability to provide acceptable service to the consuming public."

14. As described above, Kaufert pleaded guilty to federal felony charges of embezzlement of funds by a bank employee, a crime which evidences bad moral character, dishonesty, a lack of integrity and financial responsibility, or an unfitness and inability to provide acceptable service to the consuming public, in violation of Idaho Code § 41-1016(1)(f).

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

15. Paragraphs 1-14 are re-alleged as if set forth in full.
16. Idaho Code § 41-1016(1)(b) prohibits “violating any provision of title 41, Idaho Code.”
17. Idaho Code § 41-1021(1) states that “[a] producer shall report to the director any administrative action taken against the producer in another jurisdiction or by another governmental agency within thirty (30) days of the final disposition of the matter. This report shall include a copy of the order, consent order or other relevant legal documents.”
18. The January 26, 2015, Final Order in the Florida Administrative Action is a reportable event pursuant to Idaho Code § 41-1021(1), and Kaufert was obligated to report it to the Department no later than February 26, 2015.
19. Kaufert has not reported the Florida Administrative Action to the Department, in violation of Idaho Code § 41-1021(1).

**REQUEST FOR RELIEF**

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 Kaufert’s non-resident insurance producer license.



**NOTICE OF RIGHT TO HEARING**

THEREFORE, based on violations as alleged above, you have the right to have a hearing in accord with Idaho Code § 41-232A. In order to effectively object to this notice and prevent an order for the requested relief from being entered, you must, within twenty-one (21) days of the date of service of this Complaint, submit a written request for a hearing to the Director of the Idaho Department of Insurance responding to the alleged violations pending against you. You must deliver any written request for hearing by mailing it to the Director, Idaho Department of Insurance, P.O. Box 83720, Boise, Idaho 83720-0043, or personally delivering said written request to the offices of the Department of Insurance at 700 W. State Street, Third Floor, Boise, Idaho, and also providing a copy to the undersigned at the same address.

If you fail to submit a timely written response to the allegations and request for hearing, a final order will be entered imposing the relief described above after twenty-one (21) days from the service of this Complaint.

DATED this 4<sup>th</sup> day of May, 2015.

OFFICE OF THE ATTORNEY GENERAL  
STATE OF IDAHO



By: RICHARD B. BURLEIGH  
Deputy Attorney General  
Attorney for the Department of Insurance

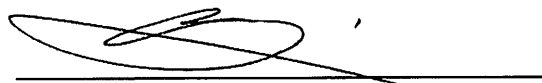
**VERIFICATION**

STATE OF IDAHO    )  
                              : ss.  
County of Ada        )

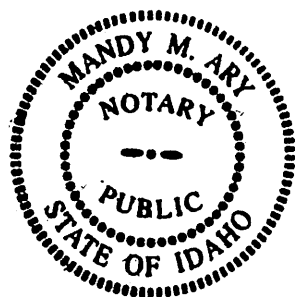
Lisa Tordjman, Supervisor of Producer Licensing for the Idaho Department of Insurance, being first duly sworn, deposes and says:


I have read the foregoing 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 and based on the records of the Department.

DATED this 4 day of May, 2015.

  
\_\_\_\_\_  
Lisa Tordjman

SUBSCRIBED AND SWORN to before me this 4<sup>th</sup> day of May, 2015.



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

**CERTIFICATE OF SERVICE**

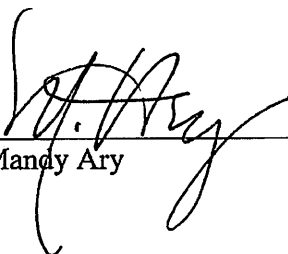
I HEREBY CERTIFY that I have, on this 4<sup>th</sup> day of May, 2015, caused a true and correct copy of the foregoing VERIFIED COMPLAINT AND NOTICE OF RIGHT TO HEARING to be served upon the following by the designated means:

Linda Kaufert  
901 Saunders Rd, Apt 11  
Kaukauna, WI 54130-8465

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- certified mail
- hand delivery
- via facsimile

Linda Kaufert  
Jewelers Mutual Insurance Company  
24 Jewelers Park Drive  
Neenah, WI 54956-3702

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