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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

<p>STATE OF IDAHO, DEPARTMENT OF INSURANCE, Complainant, vs. ANN MARIE BANDA, a.k.a. ANNA'S BAIL BONDS, a.k.a. ANNA MARIE TOVAR, an Idaho resident bail agent holding license no. 127828, Respondent.</p>	<p>Docket No. 18-2944-14 CONSENT ORDER</p>
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The above-captioned parties hereby agree and stipulate as follows:

Findings of Fact

- Pursuant to the title 41, Idaho Code, the Idaho Department of Insurance (“Department”) has jurisdiction over the above captioned matter.
- Anna Marie Banda (“Banda”) is and has been an Idaho-licensed bail agent, holding license no. 127828 since it was issued on September 15, 2005. Department

records reflect that Banda operates out of Caldwell, Idaho.

FACTUAL ALLEGATIONS

- In February 2014, the Department received a report that Banda had executed bail bonds but had failed to properly pay bond premium money to the bond surety and the surety insurance company. As a result of this report the Department initiated an investigation into Banda's practices as a bail agent.

- As a result of the investigation, the Department determined that Banda engaged in the following activities:

- On at least one occasion, Banda deposited a check for bond premium into a nonfiduciary business operating account.
- On several occasions, Banda made personal purchases from her fiduciary fund account.

- As part of its investigation, the Department directed an inquiry to Banda seeking documents and files for bond transactions taking place January 1, 2014, through February 28, 2014. The records that Banda in response to the inquiry were missing multiple documents, contained many incomplete documents, and numerous illegible documents.

Conclusion of Law

- Idaho Code § 41-1016(1)(b) provides that the director of the Department may impose an administrative penalty not to exceed \$1,000, and may suspend or revoke an agent's license for violating any provision of title 41.

- Idaho Code § 41-1024(1) provides, in pertinent part, that "[a]ll fiduciary funds

received or collected by a producer shall be trust funds received by the producer in a fiduciary capacity, and the producer shall, in the applicable course of business, account for and pay the same to the person entitled to the funds. The producer shall establish a separate account for funds belonging to others in order to avoid a commingling of such fiduciary funds with his own funds.”

- Banda’s failure to deposit premium into a fiduciary fund account on the aforementioned occasions does not conform with the requirements of Idaho Code § 41-1024(1), and thus constitutes a violation of Idaho Code § 41-1024(1).
- Idaho Code § 41-1016(1)(d) provides that the director of the Department may impose an administrative penalty not to exceed \$1,000, and may suspend or revoke an agent’s license if an agent improperly withholds, misappropriates or converts any moneys or properties received in the course of doing insurance business.
- Idaho Code § 41-1016(1)(h) provides that the director of the Department may impose an administrative penalty not to exceed \$1,000, and may suspend or revoke a license if an agent demonstrates incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.
- Banda’s personal use of fiduciary funds constitutes the improper withholding, misappropriating or converting money or property received in the course of insurance business, and demonstrates incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere, in violation of Idaho Code § 41-1016(1)(d) and (h).
- Idaho Code § 41-1041 sets forth the recordkeeping requirements for bail

agents, and requires, “[i]n addition to the records set forth in section 41-1036, Idaho Code, a bail agent shall also maintain complete records pertaining to any ... bail bond transaction for at least five (5) years after the liability of the surety has been terminated.”

- Banda’s records failed to meet the recordkeeping requirements set forth in § 41-1041, and thus constitutes a violation of Idaho Code § 41-1041.

Sanctions

- Based upon the foregoing facts, Band and the Department agree as follows:
 - Banda’s Resident Bail Agent License No.127828 shall be suspended for one year, effective immediately upon entry of this Consent Order.
 - Banda shall pay an administrative penalty of \$6,000, with \$1,000 payable by June 15, 2015, \$1,000 due by July 15, 2015, and \$4,000 due before requesting readmission.
 - Following the completion of the one year suspension and payment of all penalties, Banda’s license shall be reinstated by the Department upon Banda’s request for readmission.
 - Upon readmission, Banda’s license will be granted on a supervisory basis. Banda’s business activities will be monitored by the Department, and Banda will provide access to records and other requested materials upon Department request for inspection.
 - Following the completion of one year of supervised licensing, Banda may apply for a full license. Prior to full reinstatement, Banda shall successfully complete at least 200 hours of Department approved

educational programs.

- The Department will have an open door policy to assist Banda with compliance during Banda's suspension and supervised licensing period.
- The parties waive their right to notice and hearing at which they may be represented by counsel, present evidence and examine witnesses.
- The parties waive their right to seek reconsideration or judicial review of this Consent Order.
- The parties agree that the terms of this Consent Order are appropriate and proper under the circumstances referenced herein and that they have entered into this Consent Order knowingly, voluntarily, with full knowledge of any rights they may be waiving, and after consultation with an attorney.

AGREED this 12th day of June, 2015.

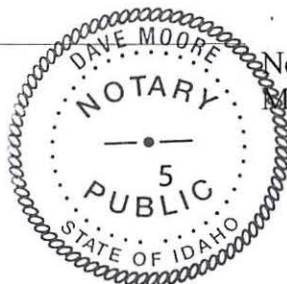
Ann Marie Banda

By: Ann Marie Banda

SUBSCRIBED AND SWORN to before me this 12 day of June, 2015.

[Signature]

Dave Moore



Notary Public for Idaho

My commission expires on 12-16-2014

AGREED this 18 day of June, 2015.

Elaine Mellon

By: Elaine Mellon, Bureau Chief
Consumer Services
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 18th day of June, 2015.

Mandy M. Ary

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



FINAL ORDER

IT IS HEREBY ORDERED:

1. Ann Marie Banda's Resident Bail Agent License No. 127828 is hereby suspended for one year, effective immediately.
2. Banda shall pay an administrative penalty of \$6,000, with \$1,000 payable by June 15, 2015, \$1,000 due by July 15, 2015, and \$4,000 due before requesting readmission.
3. Following the completion of the one year suspension and payment of all penalties, Banda's license shall be reinstated by the Department upon Banda's request for readmission.
4. Upon satisfactory payment of all penalties, Banda's license will be reinstated on a supervisory basis and her business activities will be monitored by the Department. Banda will provide immediate access to records and other materials upon Department request for inspection.
5. Following the completion of the one year of supervised licensing period, Banda may request full licensure. Prior to full reinstatement, Banda shall successfully complete at least 200 hours of Department approved educational programs.
6. The Department will have an open door policy to assist Banda with compliance during Banda's suspension and supervised licensing period.
7. Failure to comply with any portion of this order shall bar Banda from eligibility for any license under title 41, Idaho Code.

Dated this 19 day of June, 2015.

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 state in which you hold an insurance license.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of June, 2015, I caused a true and correct copy of the foregoing CONSENT ORDER to be served upon the following by the designated means:

Ann Marie Banda
Anna's Bail Bonds
P.O. Box 523
Caldwell, ID 83606-0523

- first class mail
- certified mail
- hand delivery

Ann Marie Banda
303 W. Linden Street
Caldwell, ID 83605-5131

- first class mail
- certified mail
- hand delivery

Universal Fire & Casualty Insurance Company
3214 Chicago Drive
Hudsonville, MI 49426

- first class mail
- certified mail
- hand delivery

Brandon Karpen
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
Boise, ID 83702

- first class mail
- certified mail
- hand delivery


Pamela Murray