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FILED
NOV 10 2015 *VB*
Department of Insurance
State of Idaho

Attorneys for the Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

TAMBO BARROW

Nonresident Surplus Lines Broker License
No. 489261 and Nonresident Producer
License No. 487961

Docket No. 18-3086-15

ORDER OF DEFAULT

The Director of the Idaho Department of Insurance (“Director”) having reviewed the record herein; and TAMBO BARROW, who currently holds Nonresident Surplus Lines Broker License No. 489261 and Nonresident Producer License No. 487961, 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 Judy L. Geier, 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 TAMBO BARROW has waived his rights regarding the opportunity for hearing; and in consideration of the above;

IT IS HEREBY ORDERED that Nonresident Surplus Lines Broker License No. 489261 issued to TAMBO BARROW is REVOKED effective immediately.

IT IS FURTHER ORDERED that an administrative penalty in the amount of One Thousand Dollars (\$1,000.00) is hereby imposed against TAMBO BARROW.

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-1230, that a fine of \$25.00 per day, commencing April 1, 2015, to the date of entry of this Order of Default, for a total of Five Thousand Five Hundred Seventy-five Dollars (\$5,575.00), is imposed against TAMBO BARROW for failure to file the annual report required by Idaho Code § 41-1228.

IT IS FURTHER ORDERED that Nonresident Producer License No. 487961 issued to TAMBO BARROW is REVOKED, effective immediately, in accordance with Idaho Code § 41-1026(2).

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-1027(2), that TAMBO BARROW shall immediately return Nonresident Producer License No. 487961 to the Idaho Department of Insurance, P.O. Box 83720, Boise, Idaho 83720-0043.

IT IS SO ORDERED.

DATED this 10th day of November, 2015.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



DEAN L. CAMERON
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 you may be required to disclose this proceeding on any license application, and you may be required to report this action 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 10th day of November, 2015, caused a true and correct copy of the foregoing ORDER OF DEFAULT to be served upon the following by the designated means:

Tambo Barrow
33 Rockdale Street
Boston, MA 02126-2007

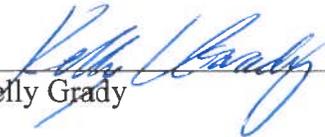
- first class mail
- certified mail
- hand delivery

Surplus Line Association of Idaho, Inc.
595 S. 14th Street
Boise, ID 83702

- first class mail
- certified mail
- hand delivery

Judy L. Geier
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



Kelly Grady

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FILED
OCT 05 2015 *KG*
Department of Insurance
State of Idaho

Attorneys for the Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

TAMBO BARROW

Nonresident Surplus Lines Broker License
No. 489261 and Nonresident Producer
License No. 487961

Docket No. 18-3086-15

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

COMES NOW the staff of the Idaho Department of Insurance (the "Department"), by and through its undersigned counsel, JUDY L. GEIER, 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:

TAMBO BARROW

**Nonresident Surplus Lines Broker License No. 489261
Nonresident Producer License No. 487961**

EXHIBIT

A

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, TAMBO BARROW, you are further notified of your right to object to the requested relief, including the basis for any objection, and to request a hearing in writing.

ALLEGATIONS

The allegations and violations supporting the requested relief are:

1. Idaho Code § 41-210 empowers the Director of the Idaho Department of Insurance (“Director”) to enforce the provisions of title 41, Idaho Code. As such, the Director has jurisdiction over this matter.

2. Tambo Barrow (“RESPONDENT”), is duly authorized by the State of Idaho as a nonresident surplus lines broker pursuant to license no. 489261 (“Surplus Broker License”) and as a nonresident producer pursuant to license no. 487961 (“Producer License”). RESPONDENT is therefore subject to title 41, Idaho Code, and to the rules of the Department.

3. RESPONDENT was granted nonresident surplus lines broker license no. 489261 effective June 18, 2014, pursuant to title 41, chapter 12, Idaho Code, which Surplus Broker License is scheduled to expire on April 30, 2016.

4. RESPONDENT was granted nonresident producer license no. 487961 effective June 5, 2014, pursuant to title 41, chapter 10, Idaho Code, which Producer License is scheduled to expire on April 30, 2016.

5. “Surplus Line Coverage” is defined as certain insurance products that cannot otherwise be procured from insurers authorized to do business within Idaho which are then allowed to be procured from unauthorized insurers subject to certain conditions delineated in Idaho Code

§ 41-1214.

6. Only surplus lines brokers licensed by Idaho and who are members of the Surplus Lines Association of Idaho (the “Association”) may procure Surplus Line Coverage for Idaho residents. Idaho Code § 41-1214(1); IDAPA Rule 18.01.17.011.01. Membership in the Association is a condition of maintaining a surplus lines broker license in Idaho.

7. Surplus lines brokers must file annual verified reports with the Department on or before March 1 of each year, detailing all of the surplus lines insurance transacted by the broker during the preceding year. Idaho Code § 41-1228. The annual verified report must be filed even if a surplus lines broker does zero surplus lines insurance business in Idaho in a given year.

8. Surplus lines brokers must also remit to the Department on or before March 1 of each year, a premium tax equivalent to one and five-tenths percent (1.5%) of the total premiums, less federal and state taxes and fees, received from the transaction of surplus lines insurance business during the preceding calendar year. Idaho Code § 41-1229.

9. Shortly after RESPONDENT was granted his Surplus Broker License, RESPONDENT was sent via U.S. Mail, a membership application by the Association on or about June 2014. Between June and December 2014, the Association made several attempts by telephone to contact RESPONDENT regarding his obligation to join, however the message mailboxes for each telephone number of record were full at each attempt. The Association received no response from RESPONDENT.

10. In December 2015, the Department sent RESPONDENT a letter reminding him of his obligation to join the Association and warning him that failure to do so could result in revocation of his surplus lines license.

11. To date, RESPONDENT has neither registered nor filed any submissions with the

Association.

12. RESPONDENT's annual report was due to the Department on March 1. RESPONDENT failed to submit any report. To date RESPONDENT has neither filed an annual report nor paid premium tax for any surplus lines business transacted in Idaho.

13. Additionally, in or about August 2015, RESPONDENT was disciplined by the State of Colorado for failing to file monthly surplus lines reports and for failing to pay premium taxes on the surplus lines insurance business that he transacted in Colorado. On August 25, 2015, RESPONDENT permanently surrendered his nonresident producer license issued by the State of Colorado.

14. Pursuant to Idaho Code § 41-1230, the Director may impose a fine of twenty-five dollars (\$25) for each day RESPONDENT has failed to file his annual report, or failed to remit any premium tax due, commencing on April 1.

15. The Director also has the authority, pursuant to Idaho Code § 41-1224, to suspend or revoke any surplus lines broker's license for failure to file an annual report or remit tax or for violation of any provision of title 41, Idaho Code, department rule, subpoena or order of the director.

16. Pursuant to Idaho Code § 41-1026(2), suspension or revocation of RESPONDENT's surplus lines broker license automatically results in suspension or revocation of all other licenses held by RESPONDENT under title 41, Idaho Code, including RESPONDENT's nonresident producer license.

FIRST CAUSE OF ACTION
Failure to Register with the Approved Association
Violation of Idaho Code § 41-1214(1); IDAPA 18.01.17.011

17. The foregoing allegations in Paragraphs 1-16 are incorporated herein as if set forth

in full.

18. Pursuant to Idaho Code § 41-1214(1), surplus lines of insurance coverage “must be procured through a licensed surplus lines broker who is a member of a surplus line association approved by the director.” *See also* IDAPA 18.01.17.011.

19. RESPONDENT’s failure to register with the Association as a nonresident surplus lines broker while obtaining and maintaining a surplus lines broker license constitutes attempting to transact and/or transacting surplus lines insurance business in violation of title 41, chapter 12, Idaho Code.

20. Pursuant to Idaho Code § 41-1016(1)(b), as incorporated by § 41-1224(1)(d), the Director may suspend or revoke a surplus lines broker’s license where the licensee has violated any provision of title 41, Idaho Code, or Department rule.

21. Pursuant to Idaho Code § 41-1224(4), a surplus lines broker whose license has been suspended or revoked shall not again be licensed until any fines or delinquent taxes owed are paid and, in the case of revocation, not until the expiration of one (1) year from the date of final revocation.

22. Idaho Code § 41-117 provides that the Director may impose an administrative penalty not to exceed one thousand dollars (\$1,000.00) for each violation of title 41, Idaho Code, for which a greater penalty is not set forth, and that each violation may be considered a separate offense.

23. The Department seeks an administrative penalty of \$1,000.00 and immediate revocation of RESPONDENT’s Surplus Broker License.

**SECOND CAUSE OF ACTION
Failure to File an Annual Report
Violation of Idaho Code § 41-1228**

24. The foregoing allegations in Paragraphs 1-23 are incorporated herein as if set forth in full.

25. Pursuant to Idaho Code § 41-1228 each surplus lines broker must file on or before March 1 a verified report with the Department of all surplus lines insurance transacted by him/her during the preceding calendar year. This report is due even if the surplus lines broker transacts zero surplus lines insurance business in a given year.

26. RESPONDENT failed to file an annual report on March 1 and to date remains delinquent in filing said report in violation of Idaho Code § 41-1228.

27. Pursuant to Idaho Code § 41-1230, a surplus lines broker who fails to file his annual report “shall be liable for a fine of twenty-five dollars (\$25.00) for each day of delinquency commencing with the first day of April” after such report is due.

28. Pursuant to Idaho Code § 41-1224(1)(a), the Director may suspend or revoke any surplus lines broker’s license if the broker fails to file his annual report or to remit tax as required by law.

29. Pursuant to Idaho Code § 41-1224(4), a surplus lines broker whose license has been suspended or revoked shall not again be licensed until any fines or delinquent taxes owed are paid and, in the case of revocation, not until the expiration of one (1) year from the date of final revocation.

30. The Department seeks immediate revocation of RESPONDENT’s Surplus Broker License.

31. The Department also seeks imposition against RESPONDENT of a fine of \$25.00

per day calculated from April 1, 2015, until the sooner of such date as RESPONDENT files his annual report and pays all taxes due, if any, or the date of final revocation of RESPONDENT's Surplus Broker License in accordance with Idaho Code § 41-1230.

THIRD CAUSE OF ACTION
Simultaneous Revocation of Nonresident Producer License
Pursuant to Idaho Code § 41-1224(3) and (4)

32. The foregoing allegations in Paragraphs 1-31 are incorporated herein as if set forth in full.

33. RESPONDENT holds a nonresident producer license issued by the State of Idaho.

34. Pursuant to Idaho Code § 41-1224(3), suspension or revocation of RESPONDENT's Surplus Broker License shall automatically suspend or revoke all other licenses held by RESPONDENT under title 41, Idaho Code, including RESPONDENT's nonresident producer license.

35. Pursuant to Idaho Code § 41-1224(4), reinstatement of a suspended or revoked surplus lines broker license cannot occur until any fines or delinquent taxes owed are paid and, in the case of revocation, not until the expiration of one (1) year from the date of final revocation.

36. As such, the Department also seeks revocation of RESPONDENT's Nonresident Producer License No. 487961 for a minimum of one (1) year from the date of final revocation or until such time as RESPONDENT would again be eligible for a surplus lines broker license in accordance with Idaho Code § 41-1224(4).

REQUEST FOR RELIEF

Based upon the foregoing facts and allegations, unless the Department receives a written objection from TAMBO BARROW, that describes the basis for the objection and a demand for hearing, within twenty-one (21) days following service of this notice, the Department intends to submit a proposed order to the Director:

- imposing an administrative penalty of \$1,000.00; and
- imposing a fine of \$25.00 per day calculated from April 1, 2015, until the sooner of such date as RESPONDENT files his annual report and pays all taxes due, if any, or the date of final revocation of RESPONDENT's Surplus Broker License; and
- revoking Nonresident Surplus Line Broker License No. **489261**; and
- revoking Nonresident Producer License No. **487961**.

NOTICE OF RIGHT TO OBJECT AND TO REQUEST A HEARING

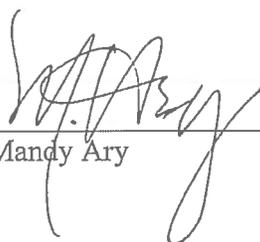
THEREFORE, based on violations as alleged above, TAMBO BARROW, you have the right to have a hearing in accordance with Idaho Code § 41-232A. In order to effectively object to this notice and prevent an order for the requested relief from being entered, you must, within twenty-one (21) days of the date of issuance of this Verified Complaint and Notice of Right to Hearing, 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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have, on this 5th day of October, 2015, and in compliance with Idaho Code §41-232A, 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:

Tambo Barrow
33 Rockdale Street
Boston, MA 02126-2007

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



Mandy Ary