

LAWRENCE G. WASDEN
Attorney General

JUDY L. GEIER, I.S.B. #6559
Deputy Attorney General
State of Idaho
Department of Insurance
700 W. State Street
P.O. Box 83720
Boise, Idaho 83720-0043
Telephone No. (208) 334-4204
Facsimile No. (208) 334-4298
judy.geier@doi.idaho.gov

FILED
JUL 19 2016 *KS*
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.

CRUZ E. CHACON, aka KELLY CHACON,
an Idaho resident producer holding Idaho
Resident Producer License No. 100061,

Respondent.

Docket No. 18-3176-16

ORDER OF DEFAULT

The Director of the Idaho Department of Insurance (“Director”) having reviewed the record herein; and CRUZ E. CHACON, aka KELLY CHACON (“RESPONDENT”), who currently holds Nonresident Producer License No. 100061, having been lawfully served the Complaint for Revocation of Idaho Resident Producer License, 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 Complaint; and the Director having found as a result thereof that RESPONDENT has waived her rights regarding the opportunity for hearing; and in consideration of the above;

IT IS HEREBY ORDERED that Nonresident Producer License No. 100061 issued to RESPONDENT is REVOKED effective immediately.

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-1027(2), that RESPONDENT shall immediately return Nonresident Producer License No. 100061 to the Idaho Department of Insurance, P.O. Box 83720, Boise, Idaho 83720-0043.

IT IS SO ORDERED.

DATED this 19 day of July, 2016.

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 19 day of July, 2016, caused a true and correct copy of the foregoing ORDER OF DEFAULT to be served upon the following by the designated means:

Cruz E. Chacon, aka Kelly Chacon
Kelly's Income Tax Service
541 5th Street
Rupert, ID 83350-1617

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

Cruz E. Chacon, aka Kelly Chacon
P.O. Box 241
Rupert, ID 83350-0241

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

Cruz E. Chacon, aka Kelly Chacon
6 W. 200 N.
Rupert, ID 83350-9126

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

Western Surety Company
333 S. Wabash Avenue
Chicago, IL 60604

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

Courtesy copy to:
Christian Dean Collins, Esq.
P.O. Box 2836
Boise, ID 83701

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



Kelly Grady

LAWRENCE G. WASDEN
Attorney General

JUDY L. GEIER, I.S.B. #6559
Deputy Attorney General
State of Idaho
Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
Telephone: (208) 334-4204
Facsimile: (208) 334-4298
judy.geier@doi.idaho.gov

Attorneys for Department of Insurance

FILED
JUN 21 2016 ح
Department of Insurance
State of Idaho

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

STATE OF IDAHO, DEPARTMENT OF
INSURANCE,

Complainant,

vs.

CRUZ E. CHACON, aka KELLY
CHACON, an Idaho resident producer
holding Idaho Resident Producer License
No. 100061,

Respondent.

Docket No. 18-3176-16

**COMPLAINT FOR REVOCATION
OF IDAHO RESIDENT
PRODUCER LICENSE**

COMES NOW the State of Idaho, Department of Insurance (Department), by and through its counsel, Judy L. Geier, Deputy Attorney General, to complain and allege as follows:

1. This administrative proceeding is brought under the provisions of the Idaho Insurance Code, Idaho Code § 41-101 *et seq.*, including 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 finds, as to the licensee, that any one (1) or more of the causes or violations enumerated in subsections (1)(a) through (n) of that section exist.

RESPONDENT

2. CRUZ E. CHACON, a.k.a. KELLY CHACON, (the Respondent) is a resident of the state of Idaho and is an Idaho-licensed insurance producer, currently holding Idaho Resident Producer License No. 100061. Such license was originally issued on March 19, 2003.

FACTS

3. On or about February 22, 2016, the Respondent executed an Amended Rule 11 Plea Agreement (Plea Agreement), in the United States District Court for the District of Idaho in the matter of *United States of America vs. Cruz "Kelly" Chacon*, Case No. 4:16-CR-00028-BLW, which Plea Agreement was filed with such court on February 23, 2016, as Docket #14. Such Plea Agreement provides that the Respondent agreed to plead guilty to the crime of aiding and assisting in the preparation and presentation of a false and fraudulent return, statement, or other document in violation of 26 U.S.C. § 7206(2), a felony, and waived her rights to withdraw the guilty plea and to appeal the conviction, entry of judgment, and sentence. The Respondent's guilty plea was entered before the court on February 22, 2016.

CONCLUSIONS OF LAW AND VIOLATIONS

COUNT ONE: BEING CONVICTED OF OR PLEADING GUILTY TO ANY FELONY

4. Paragraphs 1 through 3 above are incorporated fully herein by this reference.

5. Idaho Code § 41-1016(1)(f) provides, in pertinent part, that the Director of the Department of Insurance (Director) may revoke the Idaho license of an insurance producer who is convicted of or pleads guilty to any felony.

6. The Respondent's entry of a guilty plea to the crime of aiding and assisting in the preparation and presentation of a false and fraudulent return, statement, or other document, as described in paragraph 3 above, which crime is a felony pursuant to federal law, constitutes cause for revocation of the Respondent's Idaho resident insurance producer license, pursuant to Idaho Code § 41-1016(1)(f).

REQUEST FOR RELIEF

7. Based on the foregoing, and pursuant to Idaho Code § 41-1016(1)(f), the Department seeks issuance by the Director of an order revoking Idaho Resident Producer License No. 100061 held by the Respondent.

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:


DEAN CAMERON, 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, JUDY L. GEIER, Deputy Attorney General, at the following address:

JUDY L. GEIER
Deputy Attorney General
Idaho Department of Insurance
P.O. Box 83720
Boise, ID 83720-0043

DATED this 21st day of June, 2016.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL



JUDY L. GEIER
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 21st day of June, 2016, I caused a true and correct copy of the foregoing COMPLAINT FOR REVOCATION OF IDAHO RESIDENT PRODUCER LICENSE to be served upon the following by the designated means:

Cruz E. Chacon, aka Kelly Chacon
Kelly's Income Tax Service
541 5th Street
Rupert, ID 83350-1617

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

Cruz E. Chacon, aka Kelly Chacon
P.O. Box 241
Rupert, ID 83350-0241

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

Cruz E. Chacon, aka Kelly Chacon
6 W. 200 N.
Rupert, ID 83350-9126

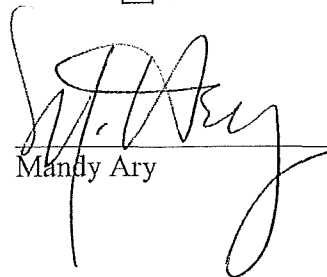
- first class mail
- certified mail
- hand delivery
- via facsimile

Western Surety Company
333 S. Wabash Avenue
Chicago, IL 60604

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

Courtesy copy to:
Christian Dean Collins, Esq.
P.O. Box 2836
Boise, ID 83701

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


Mandy Ary