

LAWRENCE G. WASDEN
Attorney General

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FILED
JUL 20 2017
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.

REGINALD ALFRED WHITELY, an
individual holding Idaho Nonresident
Producer License No. 591492,

Respondent.

Docket No. 18-3323-17

ORDER OF DEFAULT

The Director of the Idaho Department of Insurance (“Director”) having reviewed the record herein; and REGINALD ALFRED WHITELY (“WHITELY”), who currently holds Resident Producer License No. 591492, 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 David M. Farney, 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 WHITELEY has waived his rights regarding the opportunity for hearing; and in consideration of the above;

IT IS HEREBY ORDERED that Resident Producer License No. 591492 issued to WHITELEY is REVOKED effective immediately.

IT IS FURTHER ORDERED that an administrative penalty is imposed against WHITELEY in the total amount of Two Thousand Dollars (\$2,000).

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-1027(1), that WHITELEY shall immediately return Resident Producer License No. 591492 to the Idaho Department of Insurance, P.O. Box 83720, Boise, Idaho 83720-0043.

IT IS SO ORDERED.

DATED this 19 day of July, 2017.

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, on this 20th day of July, 2017, I caused a true and correct copy of the foregoing ORDER OF DEFAULT to be served upon the following by the designated means:

Reginald Alfred Whitely
WFG
1801 3rd Street, Suite 101
Norco, CA 92860-2672

- first class mail
- certified mail
- hand delivery

Reginald Alfred Whitely
2769 Saint Elmo Drive
Rialto, CA 92376-5341

- first class mail
- certified mail
- hand delivery

David M. Farney
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



Pamela Murray

LAWRENCE G. WASDEN
Attorney General

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david.farney@doi.idaho.gov

FILED
JUN 14 2017
Department of Insurance
State of Idaho *BY*

Attorneys for the Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

IDAHO DEPARTMENT OF INSURANCE,

Complainant,

vs.

REGINALD ALFRED WHITELY, an
individual holding Idaho Nonresident
Producer License No. 591492,

Respondent.

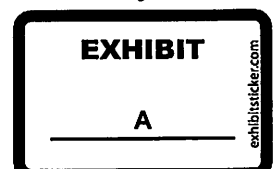
Docket No. 18-3323-17

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

The Idaho Department of Insurance (hereinafter "Department"), by and through its attorney of record, David M. Farney, 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.

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 individuals licensed under the provisions of title 41, chapter 10, Idaho Code, including insurance producers, seeking revocation of the 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.

RESPONDENT

3. REGINALD ALFRED WHITELEY (hereinafter “Respondent”) is a resident of the state of California and holds Idaho Nonresident Producer License No. 591492, which license was originally issued on October 11, 2016.

FACTS AND ALLEGATIONS

4. The above paragraphs are incorporated herein as if set forth in full.

5. On or about October 6, 2016, Respondent made application for an Idaho nonresident producer license online at the National Insurance Producer Registry (NIPR) website.

6. Respondent submitted payment to NIPR for the application and transaction fees in the total sum of \$86.18 using an electronic check.

7. On October 11, 2016, the Department approved Respondent’s application and issued Idaho Nonresident Producer License No. 591492 to Respondent.

8. On February 9, 2017, the Department was notified by NIPR that Respondent’s payment via electronic check had not been honored by Respondent’s bank and that the sum due for the application and transaction fee remained outstanding.

9. On February 9, 2017, the Department notified Respondent via a letter sent by U.S. Mail and by email of the outstanding amount owed to NIPR for the Idaho license application and transaction fee. The same letter also warned Respondent that if he failed to pay the outstanding

amount, the Department would seek to revoke his Idaho Nonresident Producer License No. 591492.

10. To date, Respondent has failed to pay the application and transaction fees due for his nonresident producer license.

11. Section 41-1007, Idaho Code, requires an applicant for an Idaho producer license to pay fees as prescribed by the Director pursuant to section 41-401, Idaho Code. Respondent's failure to pay the required fees is a violation of section 41-1007(1)(d), Idaho Code, giving the Department cause to seek revocation of Respondent's nonresident producer license and imposition of an administrative penalty pursuant to section 41-1016(1)(b), Idaho Code.

12. Respondent's failure to complete payment of the license fee as required by law demonstrates financial irresponsibility and is a violation of section 41-1016(1)(h), Idaho Code, giving the Department additional cause to seek revocation of Respondent's nonresident producer license and the imposition of an administrative penalty.

RELIEF REQUESTED

13. Based on the foregoing, and pursuant to Idaho Code § 41-1016(1)(b) and (h), the Department prays that the Director enter an order revoking Idaho Nonresident Producer License No. 591492 held by Respondent and imposing an administrative penalty of \$1,000 per violation alleged herein for a total penalty of Two Thousand Dollars (\$2,000).

NOTICE OF RIGHT TO A HEARING

Pursuant to Idaho Code § 41-232A, Respondent has the right to a hearing on this matter. In order to exercise this right, 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 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 L. Cameron, Director
Idaho Department of Insurance
P.O. Box 83720
Boise, ID 83720-0043

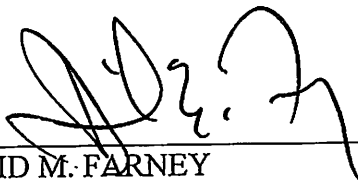
A copy shall also be provided to the Department's counsel in this matter, David M. Farney, Deputy Attorney General, at the following address:

David M. Farney
Deputy Attorney General
Idaho Department of Insurance
P.O. Box 83720
Boise, ID 83720-0043

In lieu of 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 these options, please contact the undersigned deputy attorney general. If you fail to submit a timely written response to the allegations within 21 days of the service of this Complaint, a final order will be entered imposing the relief described above.

RESPECTFULLY SUBMITTED this 14th day of June, 2017.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL



DAVID M. FARNEY
Deputy Attorney General

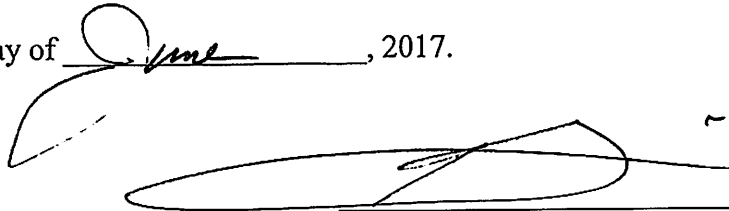
VERIFICATION

STATE OF IDAHO)
 : ss.
County of Ada)

LISA TORDJMAN, Supervisor of Producer Licensing for the Department of Insurance, State of Idaho, being first duly sworn, deposes and says:

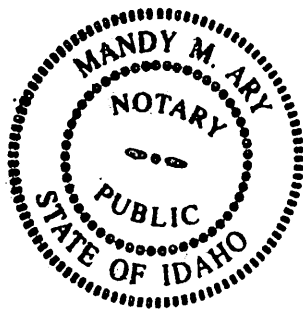
I have read the foregoing Verified Complaint and Notice of Right to Hearing and know the contents thereof, and the same are true to the best of my knowledge and belief.


Dated this 13th day of June, 2017.



LISA TORDJMAN

SUBSCRIBED AND SWORN to before me, the undersigned Notary Public for the state of Idaho, this 13th day of June, 2017.





Notary Public for Idaho
My Commission Expires 7/24/2018

CERTIFICATE OF SERVICE

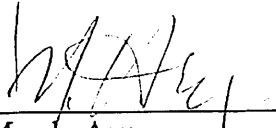
I HEREBY CERTIFY that on this 14th day of June, 2017, I caused a true and correct copy of the foregoing VERIFIED COMPLAINT AND NOTICE OF RIGHT TO HEARING to be served upon the following by the designated means:

Reginald Alfred Whitely
WFG
1801 3rd Street, Suite 101
Norco, CA 92860-2672

- first class mail
- certified mail
- hand delivery

Reginald Alfred Whitely
2769 Saint Elmo Drive
Rialto, CA 92376-5341

- first class mail
- certified mail
- hand delivery



Mandy Ary