

**FILED**  
**SEP 06 2017**  
Department of Insurance  
State of Idaho

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE**

**STATE OF IDAHO**

In the Matter of the Application for Resident  
Producer License of:

TYLER LEWIS,

Applicant.

Docket No. 18-3342-17

**FINAL ORDER**

This matter came before the Director of the Idaho Department of Insurance (“Director”) as presiding officer for an evidentiary hearing held on August 21, 2017, at 1:00 p.m. at the Idaho Department of Insurance (“Department”) in Boise, Idaho. David M. Farney, Deputy Attorney General, appeared on behalf of the Department. Tyler Lewis (“Lewis”) appeared telephonically at his request and represented himself.

**FACTS**

On June 16, 2017, Lewis submitted an Application for Resident Producer License to the Department (the “Application”). Department Exhibit B. Lewis responded in the affirmative to a background question on the Application which asked whether the applicant has “ever been convicted of a misdemeanor, had a judgment withheld, or [is] currently charged with committing a misdemeanor.” Department Exhibit B, p. 2.

As part of the Application, Lewis provided to the Department copies of documents on file in Idaho’s Sixth Judicial District Court, County of Bannock, in *State of Idaho v. Tyler S. Lewis*,

Case No. CR-15-13751-MD.<sup>1</sup> Department Exhibit E. Such documents reflect that, based upon his plea of guilty to the crime of petit theft, on February 17, 2016, Lewis was granted a withheld judgment; sentenced to a suspended 180-day jail term, one-hundred (100) hours of community service, and two (2) years' probation; and ordered to pay a fine, court costs, and more than \$9,800 in restitution. Department Exhibit E, p. 7.

Lewis also provided to the Department a personal statement regarding the underlying circumstances of the above-described criminal matter, including statements that he had taken "several items of value" from his employer "over a period of time" and that he "was using poor judgment and attempt[ing] to solve [his] financial difficulties." Department Exhibit C.

On July 5, 2017, the Department denied Lewis' Application, pursuant to Idaho Code § 41-1016(1)(f), based on Lewis' guilty plea to petit theft as described above. Department Exhibit A.

On July 24, 2017, the Department received a letter from Lewis dated July 19, 2017, wherein Lewis requested a hearing to appeal the denial of his Application and made personal statements regarding his rehabilitation efforts.

At hearing on August 21, 2017, the Department presented witness testimony and documentary evidence. Lewis provided personal testimony, but did not call witnesses or introduce evidence.

#### ANALYSIS AND CONCLUSIONS

Pursuant to Idaho Code § 41-1016(1)(f), the Department has authority to deny an application for a producer license based upon the applicant "[b]eing convicted of or pleading guilty to any felony, or to a misdemeanor which evidences bad moral character, dishonesty, a

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<sup>1</sup> The court documents reflect that Lewis was originally charged with grand theft under Case No. CR-15-13751-FE and that the charge was later reduced to petit theft, a misdemeanor. Department Exhibit E.

lack of integrity and financial responsibility, or an unfitness and inability to provide acceptable service to the consuming public.” The Department presented evidence at hearing demonstrating that Lewis pled guilty to such a misdemeanor and is currently serving the sentence for his criminal activity. The Department contends that denial is appropriate, particularly given the serious nature and recentness of the crime and that Mr. Lewis has not completed his probationary period or his restitution obligation.

Lewis does not dispute the Department’s position. Rather, he acknowledges openly and frankly that the Department’s position is justified. Notwithstanding, Lewis offered personal testimony that he has learned from his past criminal activity, that he is current on his court-ordered restitution payments and other obligations, that he is in good standing with regard to his probation, and that he has been significantly rehabilitated.

The Director concludes that petit theft is a crime evidencing “bad moral character, dishonesty, a lack of integrity and financial responsibility, or an unfitness and inability to provide acceptable service to the consuming public.” Idaho Code § 41-1016(1)(f). While the Director encourages Lewis’ continuing rehabilitation efforts, the Director concludes that ample grounds exist for denial of Lewis’ Application and that denial is in the best interest of the public at this time.

THEREFORE, IT IS HEREBY ORDERED that Lewis’ Application for an Idaho resident producer license is DENIED.

DATED this 6 day of September, 2017.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE



DEAN L. CAMERON  
Director

### **NOTIFICATION OF RIGHTS**

This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director 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 does not itself stay the effectiveness or enforcement of the order under appeal.

### **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 as to which the Respondent is 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. The Respondent should be aware that

this proceeding must be disclosed on any insurance license application and must be reported to any and all states in which the Respondent holds an insurance license.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on this 6<sup>th</sup> day of September, 2017, I caused a true and correct copy of the foregoing FINAL ORDER to be served upon the following by the designated means:

Tyler Lewis  
1224 Palmer Lane  
Pocatello, ID 83201  
[tleww@allstate.com](mailto:tleww@allstate.com)

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

David M. Farney  
Deputy Attorney General  
Idaho Department of Insurance  
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P.O. Box 83720  
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- first class mail
- certified mail
- hand delivery
- via facsimile

*Attorneys for the Department of Insurance*

  
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Pamela Murray