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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

In the Matter of:

JOSHUA COLLIS SMITH, an individual
making application for an Idaho Non-
Resident Insurance Producer License.

Docket No. 18-3352-17

**ORDER GRANTING TEMPORARY
NON-RESIDENT INSURANCE
PRODUCER LICENSE**

FACTS

1. On or about July 7, 2017, the Department received an application for an Idaho non-resident insurance producer license submitted by JOSHUA COLLIS SMITH (SMITH). SMITH resides in San Antonio, Texas, and holds a Texas resident insurance producer license. SMITH is currently employed by USAA.

2. With the application, SMITH provided information related to a felony charge of “Injury to Child-SBI-Intent/Know” in the state of Texas in late 2013. Following SMITH’s plea of nolo contendere to the charge, on or about February 8, 2016, the 175th District Court of Bexar County, Texas, issued an Order of Deferred Adjudication in Case No. 2014CR5530, sentencing SMITH to a term of seven years of community supervision.

3. Following the submission of his application to the Department, SMITH sought to correct an erroneous response and supplemented his application with documents related to two administrative proceedings he was involved in in the states of Ohio and North Dakota.

4. As to Ohio, on or about May 25, 2016, SMITH voluntarily surrendered his Ohio Non-Resident Producer License for cause at the request of the Ohio Department of Insurance. On the "Ohio Request to Surrender for Cause for an Individual" form, the statement marked, "Having been convicted of a criminal offense" was specified, but, from the terms of the document, SMITH neither admitted nor denied the allegation.

5. As to North Dakota, on or about July 22, 2016, SMITH entered into a Consent Order with the North Dakota Insurance Department, captioned as Case No. AG-16-636, wherein SMITH agreed to the issuance of a conditional producer license for a period of seven years. The North Dakota Consent Order based the issuance of the conditional producer license on SMITH's felony charge in the state of Texas, which was noted to be in violation of N.D.C.C. § 26.1-26.15.

FINDINGS

In view of the facts set forth in paragraphs 1 through 5 above, the Director of the Idaho Department of Insurance (Director) finds, pursuant to Idaho Code § 41-1015(1)(d), that the public interest would best be served by the issuance of a temporary insurance producer license to SMITH.

ORDER

NOW, THEREFORE, based on the foregoing and in consideration of the premises,

IT IS HEREBY ORDERED that, pursuant to Idaho Code § 41-1015(1)(d), a Temporary Non-Resident Insurance Producer License be issued to SMITH, which license shall be in effect for a period of no longer than one hundred eighty (180) days from the date of issuance, unless revoked by order of the Director in accordance with Idaho Code § 41-1015(2), or otherwise

terminated pursuant to applicable law.

IT IS FURTHER ORDERED that, during the time in which SMITH holds a Temporary Idaho Non-Resident Producer License, at the request of the Department, SMITH shall file, within seven (7) business days of such request, a report in writing to the Licensing Section of the Idaho Department of Insurance, PO Box 83720, Boise, Idaho, 83720-0043, describing his current personal, employment, and community supervision status, including but not limited to: current residential address and phone number; current business address and phone number; current employment status; and current status of community supervision arising from the February 8, 2016, Order of Deferred Adjudication referenced above, and any legal or personal issues relating thereto.

IT IS FURTHER ORDERED that, during the time in which SMITH holds a Temporary Idaho Non-Resident Producer License, SMITH shall, within three (3) business days of the occurrence, notify and report in writing to the Idaho Department of Insurance any change in the following: (1) his residency status in the state of Texas; (2) his residential address or phone number; (3) his employment status, including new employment or change in location of employment; (4) his business or employer address or phone number; (5) any alleged violation of the law, pending criminal charge or proceeding, or any conviction for violation of the law; (6) any newly-imposed criminal probation or community supervision, or any allegations or findings that the Applicant violated any existing community supervision provision, or any change in the status of such community supervision.

IT IS FURTHER ORDERED that prior to the expiration of the Temporary Idaho Non-Resident Producer License, the Department shall review SMITH's insurance activities, criminal history, along with any other facts or circumstances deemed relevant, and will provide such

information to the Director. If the Director deems the public interest will best be served by the continuance of such temporary license, SMITH's temporary license shall be continued for another one hundred eighty (180) day period, provided it is not earlier revoked by order of the Director, without the right to a prior hearing, in accord with Idaho Code § 41-1015(2), or otherwise terminated pursuant to applicable law. SMITH's temporary license may be perpetually continued in one hundred eighty (180) day increments subject to the terms and conditions set forth herein so long as the Director deems the public interest will best be served by the issuance of a temporary license.

IT IS SO ORDERED.

DATED THIS 26 day of September, 2017.

STATE OF IDAHO
DEPARTMENT OF INSURANCE

BY 
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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of September, 2017, I caused to be served a true copy of the foregoing **ORDER GRANTING TEMPORARY NON-RESIDENT INSURANCE PRODUCER LICENSE** by the method indicated below, and addressed to each of the following:

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7206 Gallery Ridge
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- first class mail
- certified mail
- hand delivery

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Pamela Murray