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Department of Insurance
State of Idaho *DM*

Attorneys for the Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

MICHAEL LEE MURPHY,
Idaho Nonresident Insurance Producer
License No. 566462

Docket No. 18-3461-18

**SUMMARY ORDER REVOKING
IDAHO NONRESIDENT INSURANCE
PRODUCER LICENSE**

The Director of the Idaho Department of Insurance (“Director”) has received notice of the entry of an order by the Office of Insurance Commissioner for the State of Washington, revoking the Washington resident insurance producer license issued to MICHAEL LEE MURPHY (“MURPHY”), as further described below. Upon review of such order, and, pursuant to the authority granted by Idaho Code § 41-1016(2), the Director does hereby make the following findings and enter a Summary Order as follows:

FINDINGS OF FACT

1. MURPHY, at all times relevant hereto, was licensed by the Office of Insurance Commissioner for the State of Washington (“Washington OIC”) as a resident insurance producer.

2. On or about February 23, 2018, the Washington OIC issued its Findings of Fact, Conclusions of Law and Final Order, in Docket No. 17-0314, which included findings that, among other acts, MURPHY completed and submitted applications for insurance to American Family Life Assurance Company and signed consumers' names to the application forms and payroll deduction forms, all without the knowledge or permission of the consumers. The Washington OIC concluded that, by these acts, MURPHY violated Washington law by using fraudulent or dishonest practices, demonstrating incompetence and untrustworthiness, and forging another's name to an application for insurance. As a result, the Washington OIC revoked MURPHY's Washington resident insurance producer license effective February 23, 2018.

3. MURPHY has been continuously licensed as an Idaho nonresident insurance producer, holding license number 566462 from the date of the initial issuance of such license on March 23, 2016, to the present date.

4. On or about February 5, 2018, MURPHY submitted to the Idaho Department of Insurance ("Department") an application for an Idaho resident insurance producer license. Such application is currently pending before the Department.

CONCLUSIONS OF LAW

5. Idaho Code § 41-1016(2) provides that the Director shall, without hearing, suspend for not more than twelve (12) months, or shall revoke or refuse to continue any insurance producer license issued under title 41, chapter 10, Idaho Code, where the Director has received a final order of suspension, revocation or refusal to continue issued by the insurance regulatory official or court of jurisdiction of the licensee's home state. Based on the foregoing, the Director finds that the circumstances set forth above justify the revocation of MURPHY's Idaho nonresident insurance producer license, pursuant to Idaho Code § 41-1016(2).

6. Idaho Code § 41-1026(3) prohibits, for a period of not less than one year from the

date of revocation, the consideration of a license application submitted under title 41, Idaho Code, by any person who has had an Idaho insurance license previously revoked. The Director therefore concludes that MURPHY's pending application for an Idaho resident insurance producer license is void as a matter of law, as no such license can be legally issued to MURPHY until the expiration of not less than one year from the date of this order revoking MURPHY's Idaho nonresident producer license.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Idaho Nonresident Insurance Producer License No. 566462 issued to MURPHY is hereby REVOKED, effective immediately.

IT IS FURTHER ORDERED that, in accordance with Idaho Code § 41-1026(3) no license application submitted under title 41, Idaho Code, by MURPHY shall be considered until after the expiration of not less than one (1) year from the date of issuance of this order of revocation, or from the date of entry of a final court order or decree affirming the revocation, if any, after which time MURPHY may submit an application to the Department.

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-1027(1), that MURPHY shall immediately return Idaho Nonresident Insurance Producer License No. 566462 to the Idaho Department of Insurance at the following address: 700 West State Street, P.O. Box 83720, Boise, Idaho, 83720-0043.

DATED this 16 day of March, 2018.

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 by 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 this proceeding must be disclosed on any license application and must be reported to any and all states in which you hold an insurance license.

NOTIFICATION OF RIGHTS

This is 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 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 this order by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or operates its principal place of business in Idaho, or
- iv. The real property or personal property that was the subject of the agency action is located.

An appeal must be filed within twenty-eight (28) days of (a) the service date of this final order, (b) an order denying 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 an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 19th day of March, 2018, I caused a true and correct copy of the foregoing SUMMARY ORDER REVOKING IDAHO NONRESIDENT INSURANCE PRODUCER LICENSE to be served upon the following by the designated means:

Michael Lee Murphy
2685 N. Top Flight Ct.
Post Falls, ID 83854

first class mail
 certified mail
 hand delivery

Michael Lee Murphy
1035 S. McMillan Ct.
Spokane Valley, WA 99016-5111

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 certified mail
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Pamela Murray