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I.S.B. No. 3873

**FILED** *AK*  
**JAN 30 2019**  
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.

JONATHAN CRAIG SWISHER, an  
individual holding Idaho Nonresident  
Producer License No. 587599,

Respondent.

Docket No. 18-3601-18

**ORDER OF DEFAULT REVOKING  
IDAHO NONRESIDENT  
PRODUCER LICENSE**

The Director of the Idaho Department of Insurance (“Director”) having reviewed the record herein; and JONATHAN CRAIG SWISHER (“RESPONDENT”), who currently holds Idaho Nonresident Producer License No. 587599, having been lawfully served the Verified Complaint and Notification of Rights, a copy of which is attached hereto as Exhibit A and incorporated herein, and 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

RESPONDENT has waived his rights regarding the opportunity for hearing; and in consideration of the above;

**IT IS HEREBY ORDERED** that Idaho Nonresident Producer License No. 587599 issued to RESPONDENT is REVOKED effective immediately.

**IT IS HEREBY FURTHER ORDERED** that an administrative penalty in the amount of One Thousand Dollars (\$1,000) is imposed against RESPONDENT, with such penalty suspended but due and payable in full prior to RESPONDENT submitting to the Idaho Department of Insurance any application for reinstatement or issuance of a new license under title 41, Idaho Code.

**IT IS HEREBY FURTHER ORDERED**, pursuant to Idaho Code § 41-1027(2), that RESPONDENT shall immediately return Idaho Nonresident Producer License No. 587599 to the Idaho Department of Insurance, P.O. Box 83720, Boise, Idaho 83720-0043.

IT IS SO ORDERED.

DATED this 27 day of January, 2019.

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 30<sup>th</sup> day of January, 2019, I caused a true and correct copy of the foregoing ORDER OF DEFAULT REVOKING IDAHO NONRESIDENT PRODUCER LICENSE to be served upon the following by the designated means:

Jonathan Craig Swisher  
1280 SW 36<sup>th</sup> Ave, Suite 100  
Pompano Beach, FL 33069-4838

- first class mail
- certified mail
- hand delivery

Axis Insurance Company  
11680 Great Oaks Way, Ste. 500  
Alpharetta, GA 30022

- first class mail
- certified mail
- hand delivery

Federal Insurance Company  
202 Halls Mill Road, Ste. B  
Whitehouse Station, NJ 08889-3435

- first class mail
- certified mail
- hand delivery

United States Fire Insurance Company  
305 Madison Avenue  
Morristown, NJ 07962

- first class mail
- certified mail
- hand delivery

John C. Keenan  
Deputy Attorney General  
Idaho Department of Insurance  
700 W. State Street, 3<sup>rd</sup> Floor  
P.O. Box 83720  
Boise, ID 83720-0043

- first class mail
- certified mail
- hand delivery

  
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Pamela Murray

LAWRENCE G. WASDEN  
Attorney General

JOHN C. KEENAN  
Deputy Attorney General  
State of Idaho  
Department of Insurance  
700 W. State Street, 3<sup>rd</sup> Floor  
P.O. Box 83720  
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I.S.B. No. 3873

FILED  
JAN 02 2019 PM  
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.

JONATHAN CRAIG SWISHER, an  
individual holding Idaho Nonresident  
Producer License No. 587599,

Respondent.

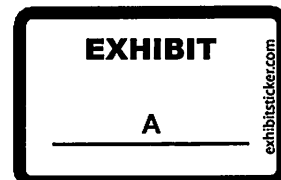
Docket No. 18-3601-18

**VERIFIED COMPLAINT AND  
NOTIFICATION OF RIGHTS**

The Idaho Department of Insurance (hereinafter "Department"), by and through its attorney of record, John C. Keenan, 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 Idaho Code § 41-1016, which authorizes



the Department to initiate a contested case against an Idaho-licensed insurance producer including an individual or an agency, seeking revocation of the insurance producer's license, as well as the imposition of administrative penalties in accordance with section 41-1016, Idaho Code, if the Director of the Department finds that any one or more of the causes or violations set forth in subsections (1)(a) through -(o) of that section exists.

3. Pursuant to section 41-1026(3), Idaho Code, the Director shall not issue a license under title 41, Idaho Code, to any person whose license has been revoked until after the expiration of not less than one (1) year to a maximum of five (5) years and, upon a former licensee's application for re-licensure, the Director may require the former licensee "to show good cause why the prior revocation ... shall not be deemed a bar to the issuance of a new license."

#### **RESPONDENT**

4. JONATHAN CRAIG SWISHER (hereinafter "Swisher") is a resident of the state of Florida and holds Idaho Nonresident Producer License No. 587599, which was originally issued on September 14, 2016.

#### **FACTS**

5. On October 4, 2018, the Department sent to Swisher a request for information pursuant to section 41-247, Idaho Code, via first class U.S. Mail to his current mailing address and his email address both on record at the Idaho Department of Insurance.

6. On October 19, 2018, the Department again sent to Swisher a follow-up request for information pursuant to section 41-247, Idaho Code, via certified U.S. Mail to his current mailing address and his current email address both on record at the Idaho Department of Insurance. A signed receipt indicating delivery of the certified mail was received by the Department on October 26, 2018.

7. On November 15, 2018, the Department sent to Swisher a second follow-up request for information pursuant to section 41-247, Idaho Code, via his current email address on record at the Idaho Department of Insurance.

8. As of the undersigned date, Swisher has not responded to the original inquiry or to subsequent follow-up inquiries.

9. By failing to fully respond, Swisher has violated section 41-247, Idaho Code, which gives the Department cause to seek revocation of Swisher's license and imposition of a monetary penalty, pursuant to section 41-1016(1)(b), Idaho Code.

**PRAYER FOR RELIEF**

Based on the foregoing, the Department prays for relief as follows:

1. That the Director find that Swisher violated the law as alleged; and
2. That the Director enter an order REVOKING Swisher's Idaho Nonresident Producer License No. 587599 and providing that Swisher shall not be issued any license under title 41, Idaho Code, for a period of one (1) year; and
3. That the Director enter an order imposing an administrative penalty against Swisher in the amount of \$1,000 per violation, for a total of \$1,000.00.

DATED this 31 day of December, 2018.

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL



John C. Keenan  
Deputy Attorney General

**NOTICE OF RIGHT TO A HEARING**

**TO: JONATHAN CRAIG SWISHER:**

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 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, John C. Keenan, Deputy Attorney General, at the following address:

John C. Keenan  
Deputy Attorney General  
Idaho Department of Insurance  
P.O. Box 83720  
Boise, ID 83720-0043

In lieu of holding 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 this matter, please contact the undersigned deputy attorney general.

  
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John C. Keenan



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 2<sup>nd</sup> day of January, 2019, I caused a true and correct copy of the foregoing VERIFIED COMPLAINT AND NOTIFICATION OF RIGHTS to be served upon the following by the designated means:

Jonathan Craig Swisher  
1280 SW 36<sup>th</sup> Ave, Suite 100  
Pompano Beach, FL 33069-4838

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

Axis Insurance Company  
11680 Great Oaks Way, Ste. 500  
Alpharetta, GA 30022

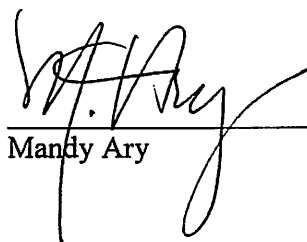
- first class mail
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- hand delivery
- via facsimile

Federal Insurance Company  
202 Halls Mill Road, Ste. B  
Whitehouse Station, NJ 08889-3435

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

United States Fire Insurance Company  
305 Madison Avenue  
Morristown, NJ 07962

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

  
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Mandy Ary