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State of Idaho
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I.S.B. No. 3873

FILED
JAN 30 2019 AM
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.

JOSHUA MALLEN, an individual holding
Idaho Nonresident Producer License No.
467115,

Respondent.

Docket No. 18-3603-18

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

The Director of the Idaho Department of Insurance (“Director”) having reviewed the record herein; and JOSHUA MALLEN (“RESPONDENT”), who currently holds Idaho Nonresident Producer License No. 467115, 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. 467115 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. 467115 to the Idaho Department of Insurance, P.O. Box 83720, Boise, Idaho 83720-0043.

IT IS SO ORDERED.

DATED this 29 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 30th 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:

Joshua Mallen
1280 SW 36th Ave, Suite 100
Pompano Beach, FL 33069-4838

- first class mail
- certified mail
- hand delivery

Joshua Mallen
2226 N. Cypress Bend Dr., Apt. 308
Pompano Beach, FL 33069-4487

- 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

National Health Insurance Company
4455 LBJ Freeway, Suite 375
Dallas, TX 75244-5908

- 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, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043

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Pamela Murray

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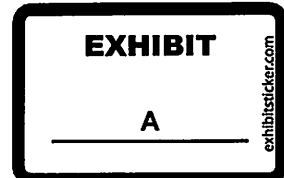
Docket No. 18-3603-18

**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. JOSHUA MALLEN (hereinafter "Mallen") is a resident of the state of Florida and holds Idaho Nonresident Producer License No. 467115, which was originally issued on November 5, 2013.

FACTS

5. On October 16, 2018, the Department sent to Mallen a request for information pursuant to section 41-247, Idaho Code, via first class U.S. Mail to his then-current residential address and his email address both on record at the Idaho Department of Insurance.

6. On or about October 17, 2018, Mallen contacted the Department by telephone asking if the Department had received his response from his appointed insurer. The Department communicated to Mallen that his full response to the Department's detailed inquiry was required and that such response must be in writing.

7. As of the undersigned date, Mallen has not responded to the original inquiry nor to

a subsequent follow-up inquiry directed to Mallen via email on November 15, 2018.

8. By failing to fully respond, Mallen has violated section 41-247, Idaho Code, which gives the Department cause to seek revocation of Mallen'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 Mallen violated the law as alleged; and
2. That the Director enter an order REVOKING Mallen's Idaho Nonresident Producer License No. 467115 and providing that Mallen 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 Mallen 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

VERIFICATION

STATE OF IDAHO)
 : ss.
County of Ada)

ELAINE MELLON, Bureau Chief, Consumer Services, Department of Insurance, State of Idaho, being first duly sworn, deposes and says:

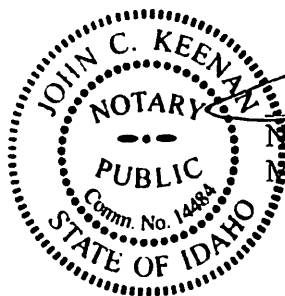
I have read the foregoing Complaint and know the contents thereof and the same are true to the best of my knowledge and belief.

Dated this 31 day of Dec., 2018.



ELAINE MELLON

SUBSCRIBED AND SWORN to before me the undersigned Notary Public of Idaho this 31 day of December, 2018.





Notary Public for Idaho
My Commission Expires 30 OCT 2019

NOTICE OF RIGHT TO A HEARING

TO: **JOSHUA MALLEN:**

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.



John C. Keenan

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of January, 20 19, 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:

Joshua Mallen
1280 SW 36th Ave, Suite 100
Pompano Beach, FL 33069-4838

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- certified mail
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Joshua Mallen
2226 N. Cypress Bend Dr., Apt. 308
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11680 Great Oaks Way, Ste. 500
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202 Halls Mill Road, Ste. B
Whitehouse Station, NJ 08889-3435

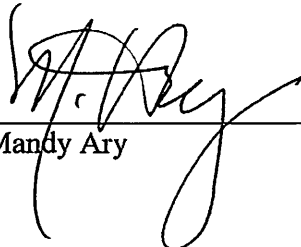
- first class mail
- certified mail
- hand delivery
- via facsimile

National Health Insurance Company
4455 LBJ Freeway, Suite 375
Dallas, TX 75244-5908

- 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



Mandy Ary