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Department of Insurance
State of Idaho

Attorney for Idaho Department of Insurance

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE
STATE OF IDAHO**

In the Matter of:

PHOENIX FIRE PROTECTION, LLC,
Fire Protection Sprinkler Contractor License
Nos. 108 and 133.

Docket No. 18-3630-19

**STIPULATION FOR ENTRY OF
FINAL ORDER AND FINAL ORDER**

The parties herein, namely the Idaho Department of Insurance, Division of State Fire Marshal (“Fire Marshal”), and Phoenix Fire Protection, LLC (“Phoenix”), an Idaho limited liability company, do hereby enter into this Stipulation for Entry of Final Order (“Stipulation”) to resolve as between them the matters at issue in Administrative Case Docket No. 18-3630-19 and do hereby stipulate and agree as follows:

1. In accordance with sections 41-253 and 41-254, Idaho Code, the Fire Marshal is appointed by the Director of the Idaho Department of Insurance (“Director”) and is delegated certain duties and powers including, but not limited to, enforcement of the International Fire Code

("IFC") as adopted by the Fire Marshal and authority to promulgate rules in furtherance of the IFC.

2. The Fire Marshal has jurisdiction over matters involving integrated fire sprinkler systems and licensing in accordance with title 41, Idaho Code, and IDAPA 18.01.49.

3. Section 41-117, Idaho Code, provides in relevant part that each violation shall "in addition to any applicable prescribed denial, suspension, or revocation [...] of license be punishable by an administrative penalty of not more than one thousand dollars (\$1,000) for any individual or natural person and not more than five thousand dollars (\$5,000) for any other person, imposed by the director," and that each instance of violation may be considered a separate offense.

4. Phoenix holds two Fire Protection Sprinkler Contractor ("FPSC") licenses. Its main office in Nampa holds license FPSC-108, due to expire on December 31, 2019, and its branch office in Idaho Falls holds license FPSC-133, due to expire on December 31, 2019.

5. On or about December 27, 2018, Phoenix commenced work on installing a sprinkler system at the Teton Business Center, even though the plans had not yet been approved by the State Fire Marshal, in violation of IDAPA 18.01.49.017.01(i).

6. On or about January 22, 2019, Phoenix commenced work on installing a sprinkler system at the Clif Bar facility, even though the plans had not yet been approved by the State Fire Marshal, in violation of IDAPA 18.01.49.017.01(i).

7. On April 4, 2019, the Fire Marshal filed a Verified Complaint and Notice of Right to Hearing, seeking a one-year suspension of Phoenix's FPSC licenses and the imposition of a \$5,000 penalty.

8. Rather than proceed to hearing, the parties agree that this matter may be resolved in accordance with the following terms:

- a. Phoenix shall pay an administrative penalty in the amount of five thousand dollars (\$5,000), which amount shall be paid in full to the Idaho Department of Insurance within ninety (90) days of the date of entry of the Final Order approving this Stipulation.
- b. If Phoenix fails to pay the full amount of the penalty required by this Final Order within ninety (90) days, the Director shall revoke without prior notice or hearing Phoenix's FPSC License Nos. FPSC-108 and FPSC-133.

9. The parties agree that the terms of this Stipulation are appropriate and proper under the circumstances referenced herein; and the parties hereto have entered into this Stipulation knowingly, voluntarily, and with full knowledge of any rights they may be waiving thereby.

10. The parties hereto waive their right to notice and hearing at which they may be represented by counsel, present evidence, and examine witnesses. The parties hereto further waive their right of reconsideration, appeal, and other rights as set forth in title 41 and title 67, chapter 52, Idaho Code, including the right to submit this matter for review by a court of competent jurisdiction.

11. The Fire Marshal and Phoenix each agree that this Stipulation is a full and final settlement of the issues raised between them in Administrative Case Docket No. 18-3630-19, that this Stipulation embodies the entire agreement between the Fire Marshal and Phoenix, and that there are no agreements, understandings, representations or warranties that are not expressly set forth herein.

12. Neither this Stipulation nor the Final Order approving this Stipulation shall be deemed in any manner to prevent the Fire Marshal from commencing any other agency action

relating to conduct of Phoenix not settled herein, and without regard to whether such conduct occurred prior to the date of this Stipulation or the Final Order approving this Stipulation.

13. Phoenix enters into this Stipulation freely and voluntarily, after having had the opportunity to consult with counsel of its choice, and with full understanding of the legal consequences of this Stipulation and the Final Order approving this Stipulation.


14. Phoenix agrees that, upon execution of this Stipulation, no subsequent action or assertion shall be maintained or pursued in any manner asserting the invalidity of this Stipulation and Final Order and its provisions.

15. This Stipulation is subject to approval by the Director or the Director's designee, and shall become effective and binding upon the Fire Marshal and Phoenix upon such approval. Should the Director decline to approve this Stipulation, the Fire Marshal and Phoenix shall retain all of their rights, claims and/or defenses, and any factual and/or legal admissions made by Phoenix herein shall be withdrawn.

IT IS SO AGREED.

DATED this 12 day of June, 2019.

PHOENIX FIRE PROTECTION, LLC
An Idaho limited liability company

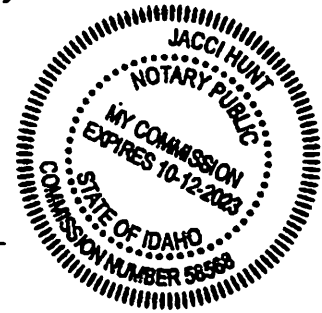
By: 
Name: TRENT BICE
Its: G.M.

STATE OF Idaho)
) ss.
County of Canyon)

On this 12 day of June, 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared Trent Bice, known or identified to me (or proved to me on the oath of), to be the manager or a member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company executed the same.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.

Jacqi Hunt
Notary Public in and for the
State of Idaho
Residing at Nampa, Id. 83687
My commission expires: 10/12/23



Approved as to Form:

David H. Leroy
David H. Leroy
Attorney for Phoenix Fire Protection, LLC

DATED this 11th day of June, 2019.

STATE OF IDAHO
DEPARTMENT OF INSURANCE
DIVISION OF STATE FIRE MARSHAL



Knute Sandahl
State Fire Marshal

Approved as to Form:

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By: 

Michael Witry
Deputy Attorney General
Attorney for the Idaho Department of Insurance

FINAL ORDER

The Idaho Department of Insurance, Division of State Fire Marshal, and Phoenix Fire Protection, LLC, having entered into the foregoing Stipulation and the Director having reviewed the same,

NOW, THEREFORE, IT IS HEREBY ORDERED that the foregoing Stipulation is approved and incorporated herein as if set forth in full.

IT IS FURTHER ORDERED that Phoenix shall pay an administrative penalty in the amount of five thousand dollars (\$5,000), which amount shall be paid in full to the Idaho Department of Insurance within ninety (90) days of the date of entry of this Final Order.

IT IS FURTHER ORDERED that, if Phoenix fails to pay the full amount of the penalty required by this Final Order within ninety (90) days, Phoenix's FPSC License Nos. FPSC-108 and FPSC-133 shall be revoked without prior notice or hearing.

DATED and EFFECTIVE this 12 day of June, 2019.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



DEAN L. CAMERON
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of June 2019, I caused a true and correct copy of the foregoing STIPULATION FOR ENTRY OF FINAL ORDER AND FINAL ORDER to be served upon the following by the designated means:

David H. Leroy
Attorney at Law
802 W Bannock St, Ste 201
Boise, ID 83702

- first class mail
- certified mail
- hand delivery
- via facsimile: 208-342-4200

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



Pamela Murray