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Attorney General

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**FILED**  
**AUG 20 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.

DESIREE A. JACHETTA, an individual  
holding Idaho Resident Producer License  
No. 87305,

Respondent.

Docket No. 18-3656-19

**ORDER OF DEFAULT  
SUSPENDING IDAHO RESIDENT  
PRODUCER LICENSE**

The Director of the Idaho Department of Insurance ("Director") having reviewed the record herein; and DESIREE A. JACHETTA ("RESPONDENT"), who currently holds Idaho Resident Producer License No. 87305, having been lawfully served the Verified Complaint and Notice of Right to Hearing, 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 her rights regarding the opportunity for hearing; and in consideration of the above;

**IT IS HEREBY ORDERED** that Idaho Resident Producer License No. 87305 issued to RESPONDENT is SUSPENDED effective immediately.

**IT IS HEREBY FURTHER ORDERED** that an administrative penalty in the amount of Three Thousand Dollars (\$3,000) 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 Resident Producer License No. 87305 to the Idaho Department of Insurance, P.O. Box 83720, Boise, Idaho 83720-0043.

IT IS SO ORDERED.

DATED this 20 day of August, 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 is 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 motion for reconsideration within twenty-one (21) days of its receipt, or the motion 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 or orders previously issued in this case may file a petition for judicial review 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.

A petition for judicial review must be filed within twenty-eight (28) days of: (a) the service date of this final order, (b) the service of an order denying motion for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a motion 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. Idaho Code § 67-5274.

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20<sup>th</sup> day of August, 2019, I caused a true and correct copy of the foregoing ORDER OF DEFAULT SUSPENDING IDAHO RESIDENT PRODUCER LICENSE to be served upon the following by the designated means:

Desiree A. Jachetta  
1234 Jachetta Road  
Priest River, ID 83856-6726


☒ first class mail  
☐ certified mail  
☐ hand delivery

Montana Health Cooperative  
P.O. Box 5358  
Helena, MT 59604-5358

☒ 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

  
Pamela Murray

LAWRENCE G. WASDEN  
Attorney General

JOHN C. KEENAN, ISB No. 3873  
Deputy Attorney General  
Idaho Department of Insurance  
700 W. State Street  
P.O. Box 83720  
Boise, Idaho 83720-0043  
Telephone No. (208) 334-4283  
Facsimile No. (208) 334-4298  
john.keenan@doi.idaho.gov

*Attorneys for the Department of Insurance*

**FILED**  
**JUL 25 2019** *WLL*  
Department of Insurance  
State of Idaho

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

IDAHO DEPARTMENT OF INSURANCE,

Complainant,

vs.

DESIREE A. JACHETTA, an individual  
holding Idaho Resident Producer License  
No. 87305,

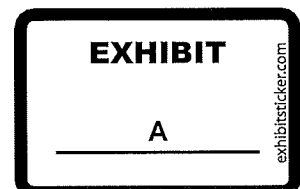
Respondent.

Docket No. 18-3656-19

**VERIFIED COMPLAINT AND  
NOTICE OF RIGHT TO HEARING**

COMES NOW the staff of the Idaho Department of Insurance ("Department"), by and through its undersigned counsel, John C. Keenan, Deputy Attorney General, and does hereby give notice of verified allegations constituting violation(s) of Idaho law, notice that relief will be requested from the Director of the Department, and a notice of the right to contest the allegations and requested relief herein and right to hearing to:

**DESIREE A. JACHETTA**  
Resident Producer License No. 87305



The Department alleges the following facts and violations of title 41, Idaho Code, and certain rules promulgated thereunder, as itemized below. The Department will present an order seeking the relief described below upon twenty-one (21) days following service of this Verified Complaint, and DESIREE A. JACHETTA, is further notified of her right to object to the requested relief, including the basis for any objection, and to request a hearing in writing.

### **JURISDICTION**

1. Jurisdiction in this matter is founded in the Idaho Insurance Code, Idaho Code § 41-101 *et seq.*, including Idaho Code § 41-210, which authorizes the Director of the Department of Insurance (“Director”) to enforce the provisions of title 41 of the Idaho Code, including those governing Respondent’s activities as an insurance producer.

2. Jurisdiction is further founded in Idaho Code § 41-213, which authorizes the Department to institute such proceedings as deemed necessary for the enforcement of any provision of the Idaho Insurance Code including, but not limited to, license revocation and the imposition of administrative penalties.

3. This pleading also serves as notice to Respondent of her right to contest the allegations, of the requested relief, and of her right to a hearing.

4. Section 41-1016, Idaho Code, provides that the Director may suspend, revoke or refuse to issue or renew a producer’s license and may impose an administrative penalty up to one thousand dollars (\$1,000), if the Director finds that any of the causes or violations set forth in subsections 41-1016(1)(a) through (o) exist.

5. Section 41-117, Idaho Code, provides that each instance of violation may be considered a separate offense.

**RESPONDENT**

6. DESIREE A. JACHETTA (hereinafter "Jachetta") is a resident of the state of Idaho and holds Idaho Resident Producer License No. 87305, originally issued on September 18, 2001.

7. At the time of the violations alleged herein, Jachetta was an appointed producer for multiple insurers.

8. On or about November 14, 2017, Jachetta received two premium checks from an insured person, herein identified as F.L.

9. The two checks received by Jachetta were in the amount of \$193.12 and \$72.30 respectively.

10. On the same date, Jachetta received cash premiums that were receipted in the following amounts: \$169.00, \$100.00, and \$231.00.

11. Jachetta did not deposit the cash and two checks into her agency fiduciary account until on or about February 22, 2018.

12. All premium funds received by Jachetta, whether in cash or check form, are fiduciary funds, in accordance with Idaho Department of Insurance Rule 10, at IDAPA 18.01.10.010.03.

13. Idaho Department of Insurance Rule 10, at IDAPA 18.01.10.014.01, requires that fiduciary funds that are in the form of a check or another negotiable instrument that is made payable to an insurer are required to be remitted to the insurer within the period as directed by the insurer, or, where not specified, within twenty-one (21) days of receipt.

14. Jachetta failed to deposit the two checks as identified above within the period as required by Department rule.

15. Idaho Department of Insurance Rule 10, at IDAPA 18.01.10.014.03.a, requires that

fiduciary funds received by the producer in the form of cash must be deposited into a fiduciary premium account within seven (7) days of receipt, when in the amount of \$2,000 or less.

16. Jachetta failed to deposit the cash as identified above within the period as required by Department rule.

17. Idaho Code § 41-1016(1)(b) provides that cause exists for the Department to seek administrative penalties and sanctions against the license of a producer who violates any Idaho Department of Insurance rule.

18. Jachetta violated Idaho Department of Insurance Rule 10 on three (3) occasions by failing to timely deposit the two checks and the cash premium into a fiduciary fund account as required. Each such failure constitutes a separate violation, for a total of three (3) violations of Idaho Department of Insurance Rule 10.

### **PRAYER FOR RELIEF**

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

1. For an Order suspending Jachetta's Idaho Resident Producer License No. 87305, for a period of one (1) year, pursuant to Idaho Code § 41-1016(1)(b);
2. For an Order imposing an administrative penalty against Jachetta in the amount of \$1,000 per violation alleged hereinabove for a total penalty of Three Thousand Dollars (\$3,000), with such sum due and payable prior to reinstatement of Jachetta's producer license following suspension of her license;
3. For such other and further relief as the Director deems just and necessary under the circumstances.



**NOTICE OF RIGHT TO A HEARING**

TO: DESIREE A JACHETTA:

Pursuant to Idaho Code § 41-232A, you have the right to a hearing on this matter. In order to exercise this right, 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 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, John C. Keenan, Deputy Attorney General, in this matter 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 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 these options, please contact the undersigned deputy attorney general. If you fail to submit a timely written response to the allegations within 21 days of the service of this Complaint, a final order will be entered imposing the relief described above.

DATED this 25 day of JULY, 2019.

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

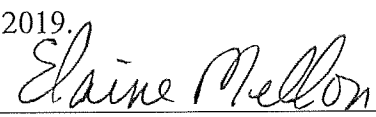
  
\_\_\_\_\_  
John C. Keenan  
Deputy Attorney General  
Attorneys for Idaho Department of Insurance

**VERIFICATION**

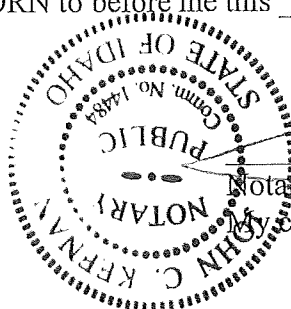
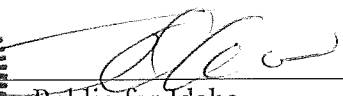
STATE OF IDAHO    )  
                              : ss.  
County of Ada        )

ELAINE MELLON, for the Department of Insurance, State of Idaho, being first duly sworn, deposes and says:

I have read the foregoing Verified Complaint and Notice of Right to Hearing and know the contents thereof, and the same are true to the best of my knowledge and belief and based on the records of the Department.

DATED this 25 day of July 2019.  
  
\_\_\_\_\_  
ELAINE MELLON  
Bureau Chief, Consumer Services  
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 25<sup>th</sup> day of JULY 2019.

  
  
\_\_\_\_\_  
Notary Public for Idaho  
My commission expires on 30 Oct 2019

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 25<sup>th</sup> day of July, 2019, I caused a true and correct copy of the foregoing VERIFIED COMPLAINT AND NOTICE OF RIGHT TO HEARING to be served upon the following by the method indicated:

Desiree A. Jachetta  
Jachetta Agency  
P.O. Box 207  
Priest River, ID 83856-0207

- ☒ first class mail
- ☐ certified mail
- ☐ hand delivery
- ☐ facsimile
- ☐ email

Desiree A. Jachetta  
1234 Jachetta Road  
Priest River, ID 83856-6726

- ☒ first class mail
- ☐ certified mail
- ☐ hand delivery
- ☐ facsimile
- ☐ email

Montana Health Cooperative  
P.O. Box 5358  
Helena, MT 59604-5358

- ☒ first class mail
- ☐ certified mail
- ☐ hand delivery
- ☐ facsimile
- ☐ email

  
\_\_\_\_\_  
Mandy Ary