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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.

JORGE ADRIAN ARZATE, an individual  
holding Idaho Non-Resident Producer License  
No. 678447,

Respondent.

Docket No. 18-3631-19

**STIPULATION AND  
FINAL ORDER**

COME NOW the staff of the Idaho Department of Insurance (“Department”) and JORGE ADRIAN ARZATE (hereinafter “ARZATE”), non-resident producer under title 41 of the Idaho Code, holding Non-Resident Producer License No. 678447, and do hereby agree and stipulate as follows:

**FINDINGS OF FACT**

1. ARZATE is a licensed insurance producer in the state of Idaho, holding Non-

Resident Producer License No. 678447, which license is due to expire on October 31, 2020. ARZATE is subject to the provisions of title 41, Idaho Code, and to the rules of the Idaho Department of Insurance promulgated thereunder.

2. The Director of the Department (“Director”) has jurisdiction over ARZATE and the subject matter herein pursuant to provisions of Idaho’s Producer Licensing Act, Idaho Code §§ 41-1001 *et seq.*, as well as the Idaho Insurance Code, Idaho Code §§ 41-101 *et seq.*

3. On April 4, 2019, the Department filed a Verified Complaint and Notice of Right to Hearing (hereinafter “Verified Complaint”), seeking revocation of ARZATE’S producer license and imposition of administrative penalties.

4. Among the allegations in the Verified Complaint were that ARZATE failed to furnish to the Department information requested by the Department in violation of Idaho Code § 41-247.

#### **CONCLUSIONS OF LAW**

5. Idaho Code § 41-1016(1) provides that the Director of the Department may impose an administrative penalty of up to \$1,000, and suspend, revoke, or refuse to issue an insurance license for certain enumerated violations.

6. Idaho Code § 41-1016(1)(b) gives cause for the imposition of a penalty and action against a producer for “[v]iolating any provision of title 41, Idaho Code, department rule, subpoena or order of the director or of another state’s insurance director.”

7. By failing to promptly furnish all information within his possession or subject to his control that the Department requested of him, ARZATE violated Idaho Code § 41-247, thereby justifying discipline pursuant to Idaho Code § 41-1016(1)(b).

8. The parties agree that this matter may be brought to a close by a negotiated and stipulated settlement and entry of this Stipulation and Final Order.

**AGREEMENT**

9. Based upon the foregoing, ARZATE and the Department stipulate and agree as follows:

- a. ARZATE admits to one violation of Idaho Code § 41-1016(1)(b) by failing to provide information to the Department as required by Idaho Code § 41-247.
- b. As sanction for the violation referenced above, ARZATE and the Department agree to the penalties set forth below and agree that the Director of the Department may enter the Final Order attached hereto, which provides as follows:
  - i. That the Stipulation be adopted in full and incorporated into the Final Order; and,
  - ii. That ARZATE's Idaho Non-Resident Producer License No. 678447 shall be REVOKED, and that ARZATE shall not submit, nor shall the Department consider, any application by ARZATE for issuance or reinstatement of an Idaho producer license for a period of two (2) years from the issuance of the Final Order;
- c. ARZATE further expressly agrees that, in the event he submits to the Department an application for any Idaho license provided for and authorized under title 41, Idaho Code, the Department may consider the facts and allegations in the Verified Complaint in this action as true for the limited purpose of evaluating ARZATE's character and fitness for licensure.

10. By entering into this Stipulation, ARZATE knowingly and voluntarily waives any rights he would otherwise have to notice and a hearing at which he 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 67, chapter 52, Idaho Code, including the right to submit this matter for review by a court of competent jurisdiction.

11. The parties agree that the terms of this Stipulation and Final Order are appropriate and proper under the circumstances referenced herein.

12. ARZATE acknowledges that he has read this Stipulation and Final Order and understands its contents; that he has been given the opportunity to discuss this Stipulation and Final Order with independent legal counsel of his choosing; and that he has entered into this Stipulation knowingly, voluntarily, and with full knowledge of any rights he may be waiving thereby.

13. ARZATE acknowledges that this is an administrative action that may be required to be reported on license applications and license renewal forms and disclosed to other agencies through which ARZATE holds a license.

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

15. This Stipulation constitutes the full and final resolution of all matters addressed herein, and the Department agrees that, subject to the Director's approval described above, the Department shall seek no further civil or administrative sanctions for the violations alleged in the

Verified Complaint, Docket No. 18-3631-19, subject to the agreement set forth in Paragraph 9 above.

16. ARZATE agrees that, upon execution of this Stipulation and Final Order, 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.

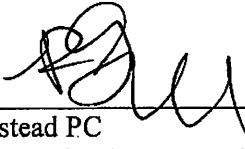
17. This Stipulation and Final Order embodies the entire agreement between the Department and ARZATE, and there are no agreements, understandings, representations, or warranties that are not expressly set forth herein.

18. Upon the Director's entry of the Final Order approving this stipulation, this Stipulation and Final Order shall be a public record under the Idaho Public Records Act.

AGREED this 29 day of August, 2019.

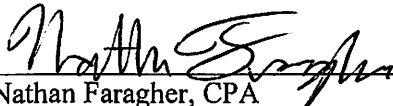
By:   
JORGE ADRIAN ARZATE

Approved as to Form:

  
\_\_\_\_\_  
Winstead PC  
Attorney for the Respondent


AGREED this 29 day of August, 2019.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE

By:   
\_\_\_\_\_  
Nathan Faragher, CPA  
Bureau Chief, Company Activities

Approved as to Form:

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

By:   
\_\_\_\_\_  
Michael Witry  
Deputy Attorney General  
Attorney for the Department of Insurance

**FINAL ORDER**

The parties hereto, namely the Idaho Department of Insurance and JORGE ADRIAN ARZATE (“ARZATE”), having entered into the foregoing Stipulation, and the form of the order having been approved, the Director, having reviewed the same, does hereby find that there is a factual basis for entry of a Final Order herein and does hereby conclude that ARZATE did violate title 41, Idaho Code, as stated in the Stipulation.

NOW, THEREFORE, based on the foregoing and in consideration of the premises,

IT IS HEREBY ORDERED that the foregoing Stipulation is approved and is incorporated herein as if set forth in full and made a part hereof; and,

IT IS FURTHER ORDERED that Idaho Non-Resident Insurance Producer License No. 678447 issued to ARZATE is hereby REVOKED effective immediately, and that ARZATE shall not submit, nor shall the Department consider, any application by ARZATE for issuance or reinstatement of an Idaho producer license for a period of two (2) years from the issuance of this Final Order;

DATED this 4<sup>th</sup> day of September, 2019.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE



DEAN L. CAMERON  
Director

**NOTICE REGARDING REPORTABLE PROCEEDINGS**

The foregoing 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 for which you are actively appointed. This information will be reported to the National Association of Insurance Commissioners (NAIC) and will appear in the online searchable database of the Idaho Department of Insurance. You should be aware that this proceeding must be disclosed on any insurance license application and must be reported to any and all states in which you hold an insurance license.



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on this 5<sup>th</sup> day of September, 2019, I caused a true and correct copy of the foregoing, fully-executed STIPULATION AND FINAL ORDER to be served upon the following by the designated means:

Rachel Giani  
Winstead PC  
401 Congress Avenue, Suite 2100  
Austin, TX 78710

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

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Deputy Attorney General  
Idaho Department of Insurance  
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- hand delivery
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Pamela Murray