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Attorney General

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**FILED**  
**SEP 05 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.

BRYCE JOSEPH VANCE, an individual  
holding Idaho Resident Producer License No.  
478745,

Respondent.

Docket No. 18-3620-19

**STIPULATION AND  
FINAL ORDER**

COME NOW the staff of the Idaho Department of Insurance (Department) and BRYCE JOSEPH VANCE (hereinafter "VANCE"), resident producer under title 41 of the Idaho Code, holding Resident Producer License No. 478745, and do hereby agree and stipulate as follows:

**FINDINGS OF FACT**

1. VANCE was a licensed insurance producer in the state of Idaho, holding Resident Producer License No. 478745. This license expired on July 31, 2018. VANCE 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 Idaho Department of Insurance (the “Director”) has jurisdiction over VANCE 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. Subsequent to becoming a resident licensed producer in the state of Idaho, VANCE was appointed as a producer by several insurers, that include but are not limited to Farmers Insurance Group Insurers (“Farmers”).

4. On February 19, 2019, the Department filed a Verified Complaint and Notice of Right to Hearing (hereinafter “Verified Complaint”), seeking revocation of VANCE’s producer license and imposition of administrative penalties.

5. Among the allegations in the Verified Complaint was that VANCE created and submitted to Farmers forty-six (46) applications for insurance without the knowledge, consent, or authorization of the consumers for whom the applications were submitted.

#### **CONCLUSIONS OF LAW**

6. 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.

7. Idaho Code § 41-1016(1)(h) gives cause for the imposition of a penalty and action against a producer for “[u]sing fraudulent, coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility, or being a source of injury and loss to the public or others, in the conduct of business in this state or elsewhere.”

8. By using consumers' personal information to submit insurance applications to Farmers without the consumers' knowledge, permission, or authorization, VANCE violated Idaho Code § 41-1016(1)(h).

9. Idaho Code § 41-117 makes clear that each instance of violation may be treated as a separate offense.

10. 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

11. Based upon the foregoing, VANCE and the Department stipulate and agree as follows:

- a. VANCE admits to one violation of Idaho Code § 41-1016(1)(h) by creating and submitting applications to Farmers as described above, which acts using fraudulent or dishonest practices, demonstrating untrustworthiness, or being a source of injury and loss to the public or others, in the conduct of business in this state or elsewhere.
- b. As sanction for the violation referenced above, VANCE 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;
  - ii. That VANCE's Idaho Resident Producer License No. 478745 shall be REVOKED and that VANCE shall not submit, nor shall the Department consider, any application by VANCE for issuance or reinstatement of an Idaho producer license for a period of five (5) years from the issuance of the Final Order;

- iii. That an administrative penalty shall be imposed against VANCE in the amount of Forty-Six Thousand Dollars (\$46,000);
- iv. That all of the administrative penalty shall be suspended;
- v. That, in the event VANCE submits to the Department an application for any type of Idaho license as authorized under Title 41, Idaho Code, the total suspended amount of Forty-Six Thousand Dollars (\$46,000) shall be immediately due and payable; and,
- vi. Before the Department shall consider any such application from VANCE, the balance of the administrative penalty in the amount of Forty-Six Thousand Dollars (\$46,000) shall be paid in full.

c. VANCE further expressly agrees that, in the event he submits an application for any Idaho license provided for and authorized under Title 41, Idaho Code, to the Idaho Department of Insurance, the Department may consider the facts and allegations in the Verified Complaint in this action as true for the limited purpose of evaluating VANCE's character and fitness for licensure.

12. By entering into this Stipulation, VANCE 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.

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

14. VANCE 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.

15. VANCE 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 VANCE holds a license.

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


17. 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. 18-3620-19, subject to the agreement set forth in Paragraph 11(c) above.

18. VANCE 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.

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

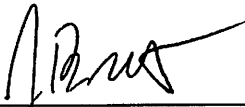
20. Upon the Director's entry of the Final Order approving this stipulation, this Stipulation and Final Order shall be a public record under the Idaho Public Records Act.

AGREED this 28 day of August, 2019.

By:   
BRYCE JOSEPH VANCE

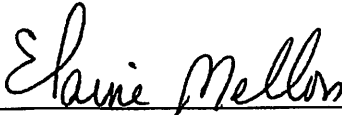
Approved as to Form:

BARTELL LAW PLLC

By:   
Jeremy L. Bartell, of the Firm  
Attorney for the Respondent


AGREED this 25 day of July, 2019.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE

By:   
Elaine Mellon, CLU, ChFC  
Bureau Chief, Consumer Services

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 BRYCE JOSEPH VANCE, 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 BRYCE JOSEPH VANCE 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;

IT IS FURTHER ORDERED that Idaho Resident Insurance Producer License No. 478745 issued to BRYCE JOSEPH VANCE is hereby REVOKED, and that VANCE shall not submit, nor shall the Department consider, any application by VANCE for issuance or reinstatement of an Idaho producer license for a period of five (5) years from the issuance of this Final Order;

IT IS FURTHER ORDERED that an administrative penalty in the amount of Forty-Six Thousand Dollars (\$46,000) is hereby imposed on BRYCE JOSEPH VANCE;

IT IS FURTHER ORDERED that all of said administrative penalty is suspended;

IT IS FURTHER ORDERED in the event BRYCE JOSEPH VANCE submits to the Idaho Department of Insurance an application for any type of Idaho license as authorized under Title 41, Idaho Code, the total suspended amount of Forty-Six Thousand Dollars (\$46,000) shall be immediately due and payable; and,

IT IS FURTHER ORDERED that the Idaho Department of Insurance shall not consider any application from BRYCE JOSEPH VANCE for any Idaho license as authorized under Title 41, Idaho Code, until such time that the total administrative penalty has been paid in full.

DATED this 4 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:

Jeremy L. Bartell  
Bartell Law PLLC  
700 12th St NW, Ste 700  
Washington, DC 20005

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

Michael Witry  
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
- via facsimile

  
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Pamela Murray