

LAWRENCE G. WASDEN
Attorney General

EDITH L. PACILLO – ISB No. 5430
Lead Deputy Attorney General
State of Idaho
Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, Idaho 83720-0043
Telephone: (208) 334-4204
Facsimile: (208) 334-4298
edith.pacillo@doi.idaho.gov

FILED
NOV 19 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

In the Matter of:

RICKEY JAY BENSON
Idaho Resident Insurance Producer
License No. 63026

Docket No. 18-3707-19

**STIPULATION AND
FINAL ORDER**

STIPULATION

The Idaho Department of Insurance (“Department”) and RICKEY JAY BENSON (“BENSON”) do hereby agree and stipulate as follows:

1. BENSON is an Idaho resident, holding Idaho Resident Insurance Producer License No. 63026, which was originally issued by the Department on May 8, 1998.

2. The Director of the Department has jurisdiction over this matter pursuant to title 41, Idaho Code, including but not limited to Idaho Code § 41-213, which authorizes the Director to institute such proceedings as deemed necessary for the enforcement of any provision of the Idaho Insurance Code.

3. On January 7, 2019, the First Judicial District Court of Idaho, in and for Kootenai County, entered its Judgment against BENSON in Case No. CR28-18-11075 based on his plea of guilty to the felony charge of operating a motor vehicle while under the influence. The court suspended execution of BENSON's sentence and instead placed him on supervised probation for a period of five (5) years, suspended his driving privileges, and imposed other conditions including payment of fines and costs in the total amount of \$5,390.50.

4. Idaho Code § 41-1021(2) requires a producer to report any criminal prosecution against him to the Director within thirty (30) days of the initial pretrial hearing date.

5. BENSON reported the above criminal matter to the Department on or about October 2, 2019.

6. Pursuant to Idaho Code § 41-1016(1)(b), the Director may suspend, revoke or refuse to issue or renew a producer's license and may impose an administrative penalty against a licensee who violates any provision of title 41, Idaho Code.

7. Pursuant to Idaho Code § 41-1016(1)(f), the Director may suspend, revoke or refuse to issue or renew a producer's license and may impose an administrative penalty against a licensee who pleads guilty to or is convicted of any felony.

8. In lieu of filing a complaint and proceeding to hearing, BENSON and the Department agree that this matter may be resolved through a stipulated settlement, wherefore the parties agree as follows:

- a. BENSON admits and agrees that his entry of a guilty plea to a felony, as described above, constitutes a violation of Idaho Code § 41-1016(1)(f);
- b. BENSON admits and agrees that his failure to timely report the criminal prosecution against him constitutes a violation of Idaho § 41-1021(2),

giving the Department additional grounds to seek sanctions against him in accordance with Idaho Code § 41-1016(1)(b);

- c. BENSON agrees to imposition of a Five Hundred Dollar (\$500.00) administrative penalty against him, due and payable to the Department within thirty (30) days of entry of the Final Order herein;
- d. Six (6) months after entry of the Final Order herein and continuing every six (6) months thereafter, for a period of five (5) years or until such time as BENSON provides satisfactory proof to the Department of termination of his criminal probation, BENSON shall submit a written report to the Department's Licensing Section, setting forth BENSON's current residence, employment, and probation status, including but not limited to: current residential address and telephone number; current business address and telephone number; current employment status; and current status of probation and any legal or personal issues relating thereto;
- e. In addition to the periodic written report required in paragraph "d" above, BENSON shall immediately notify and report in writing to the Department's Licensing Section any change in the following: (1) residential address or telephone number; (2) employment status, including new employment or change in position or title; (3) business address or telephone number; (4) any arrest, pending criminal charge or proceeding, or any criminal conviction; or (5) any newly-imposed criminal probation conditions, any allegations or findings that BENSON violated any existing probation, or any change in the status of probation; and,

- f. BENSON will at all times comply with the Idaho Insurance Code, title 41, Idaho Code, and all rules promulgated thereunder, and will act in good faith, abstain from deception, and practice honesty and equity in all insurance matters in which he engages.

9. 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. Before executing this Stipulation, the parties have had the opportunity to review this Stipulation with their respective attorneys and to seek appropriate advice and counsel relating to this Stipulation and Final Order.

11. The parties waive their right to notice and hearing at which they may be represented by counsel, present evidence, and examine witnesses. The parties 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.

12. The parties have reviewed the proposed Final Order attached hereto, agree as to its form, and agree that said Final Order may be submitted to the Director of the Department for his review and signature.

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

14. This Stipulation embodies the entire agreement between the Department and

BENSON, and there are no agreements, understandings, representations, or warranties that are not expressly set forth herein.

IT IS SO AGREED.

DATED this 11 day of November, 2019.

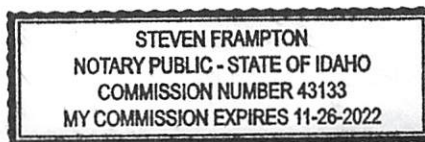
Rickey J Benson
RICKEY JAY BENSON

STATE OF IDAHO)
 : ss.
County of Kootenai)

On this 11 day of November, 2019, before me, the undersigned Notary Public, personally appeared RICKEY JAY BENSON, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]
Notary Public
My commission expires 11/26/22



IT IS SO AGREED.

DATED THIS 19 day of November, 2019.

STATE OF IDAHO
DEPARTMENT OF INSURANCE

By: Nathan Faragher
NATHAN FARAGHER
Bureau Chief, Company Activities Bureau

FINAL ORDER

The parties hereto, namely the Idaho Department of Insurance and RICKEY JAY BENSON, 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,

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

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

IT IS FURTHER ORDERED that BENSON shall pay an administrative penalty in the amount of Five Hundred Dollars (\$500.00) to the Department within thirty (30) days of entry of this Final Order;

IT IS FURTHER ORDERED that BENSON shall file a written report with the Department's Licensing Section, in the form and manner as provided in the Stipulation, commencing six (6) months after entry of this Final Order and continuing every six (6) months thereafter for a period of five (5) years or until such time as BENSON provides satisfactory proof to the Department of termination of his criminal probation;

IT IS FURTHER ORDERED that BENSON shall immediately report in writing to the Department's Licensing Section any changes to his circumstances in the form and manner as provided in the Stipulation.

DATED this 19 day of November, 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 this proceeding must be disclosed on any 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 19th day of November, 2019, I caused a true and correct copy of the foregoing fully-executed STIPULATION AND FINAL ORDER to be served on the following by the method indicated:

Rickey Jay Benson
157 W. Hayden Avenue, Ste. 104A
Hayden, ID 83835-7401

☒ first class mail
☐ certified mail
☐ hand delivery

Edith L. Pacillo
Lead Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043

☐ first class mail
☐ certified mail
☒ hand delivery


Pamela Murray