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**MAY 05 2021**  
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.

DONNIE STEVEN MYERS, an individual  
holding Idaho Resident Producer License No.  
720417,

Respondent.

Docket No. 18-3890-21

**STIPULATION AND  
ORDER DISMISSING ACTION**

COME NOW the staff of the Idaho Department of Insurance (“Department”) and DONNIE STEVEN MYERS (hereinafter “MYERS”) and do hereby agree and stipulate as follows:

**FINDINGS OF FACT**

1. MYERS is a licensed insurance producer in the state of Idaho, holding Resident Producer License No. 720417, which license is due to expire on July 31, 2021. MYERS 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 MYERS 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 January 29, 2021, the Department filed a Verified Complaint and Notice of Right to Hearing (hereinafter “Verified Complaint”), seeking revocation of MYERS’s producer license and imposition of administrative penalties.

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

#### **AGREEMENT**

5. Based upon the foregoing, MYERS and the Department stipulate and agree as follows:

- a. MYERS and the Department agree to the imposition of conditions upon MYERS’s Idaho Resident Producer License No. 720417 as described in Exhibit A.
- b. MYERS and the Department agree that this action should be dismissed.

6. By entering into this Stipulation, MYERS 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.

7. The parties agree that the terms of this Stipulation and Order Dismissing Action are appropriate and proper under the circumstances referenced herein.

8. MYERS acknowledges that he has read this Stipulation and Order Dismissing Action and understands its contents; that he has been given the opportunity to discuss this Stipulation and Order Dismissing Action 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.

9. MYERS 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 MYERS holds a license.

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

11. 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. 18-3890-21, subject to the agreement set forth in Paragraph 5 above.

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

13. This Stipulation and Order Dismissing Action embodies the entire agreement between the Department and MYERS, and there are no agreements, understandings, representations, or warranties that are not expressly set forth herein.

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

AGREED this 3<sup>rd</sup> day of May, 2021.

By: Donnie S. Myers  
DONNIE STEVEN MYERS

Approved as to Form:

Judy L. Geier  
Judy L. Geier  
Attorney for Donnie Steven Myers

AGREED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE

By: \_\_\_\_\_  
LISA TORDJMAN  
Supervisor  
Producer Licensing Section

13. This Stipulation and Order Dismissing Action embodies the entire agreement between the Department and MYERS, and there are no agreements, understandings, representations, or warranties that are not expressly set forth herein.

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

AGREED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

By: \_\_\_\_\_  
DONNIE STEVEN MYERS

Approved as to Form:

\_\_\_\_\_  
Judy L. Geier  
Attorney for Donnie Steven Myers

AGREED this 4<sup>th</sup> day of May, 2021.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE

By: \_\_\_\_\_  
LISA TORDJMAN  
Supervisor  
Producer Licensing Section

Approved as to Form:

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

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

**FINAL ORDER**

The parties hereto, namely the Idaho Department of Insurance and DONNIE STEVEN MYERS, 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.

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 this action is hereby DISMISSED.

DATED this 5 day of May, 2021.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE

Dean L. Cameron  
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 May, 2021, I caused a true and correct copy of the foregoing, fully-executed STIPULATION AND ORDER DISMISSING ACTION to be served upon the following by the designated means:

Judy L. Geier  
Idaho State Insurance Fund  
1215 W. State Street  
Boise, ID 83702

☒ 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

  
\_\_\_\_\_  
Pamela Murray



SETTLEMENT AGREEMENT  
BETWEEN  
THE IDAHO DEPARTMENT OF INSURANCE  
AND  
DONNIE STEVEN MYERS



Dated this 3rd day of May, 2021, the Idaho Department of Insurance (the "**Department**") agrees to dismiss its Verified Complaint in Docket No. 18-3890-21 upon Donnie Steven Myers' ("**Myers**") acceptance and agreement to the following:

1. Myers concedes that he committed a felony that would have triggered analysis under Idaho Code §§ 41-1016(f) and 67-9411 and had a duty to timely report his Ada County criminal case, Case No. CR01-20-00624, to the Department pursuant to Idaho Code §§ 41-1061 (1)(b) and 1021(b).

Although Myers asserts that he timely reported his criminal case to the Department and submitted supporting documentation related to his preliminary hearing; the Department has no evidence of that notification or submittal. Nonetheless, Myers concedes that he did not subsequently timely provide to the Department the Order Withholding Judgment pursuant to Idaho Code § 41-1021.

2. Myers' producer license is placed in temporary probationary status pursuant to Idaho Code § 41-1015 (hereinafter "**Administrative Probationary Period**"), consisting of 180 days. At the end of the 180 days, the Department, in its sole discretion, may elect to extend the Administrative Probation Period for a second 180-day period upon the same terms contained herein and shall provide written notification to Myers and his Sponsoring Producer of its election no later than five business days before the last day of the Administrative Probationary Period. In the event that the Department does not so elect, Myers' license will be restored to its unrestricted state on the close business of last day of the Administrative Probationary Period.
3. During the Administrative Probationary Period:
  - a. Myers will commit no violations of Title 41 and further concedes that any such violation during this period would justify immediate revocation of his license.
  - b. An Idaho licensed insurance producer employed by the State Insurance Fund, to be mutually agreed upon by the parties, will serve as Myers' Sponsoring Producer pursuant to Idaho Code § 41-1015(2) and will assume responsibility for monitoring Mr. Myer's job-related actions and involvement with the public. In the event that the Sponsoring Producer becomes aware of or has knowledge of facts that contradict those that Myers' reports in accordance with Paragraph 4 below, the Sponsoring Producer will refuse to certify Myers' report and will separately communicate the discrepancies to the Department.

The Sponsoring Producer is mutually agreed to be: JERRY "JAY" R. PELTON, JR.,  
Producer License #74799.

- c. Myers shall not sell, solicit, or negotiate insurance, but may supervise licensed producers.
  - d. Myers will complete all other provisions of Title 41 for retaining his license, including continuing education courses and payment of renewal fees as required by law.
4. No later than ten days before the last day of the Administrative Probationary Period, Myers will certify and submit a written report to the Department that will include notice of any felony or misdemeanor criminal violations, criminal probation violations, violations of Title 41, any change of employment, change in job duties, change in residence, or criminal probation status that occurred during the Administrative Probationary Period. In accordance with Paragraph 3 (b) above, Myers' Sponsoring Producer will review and certify the report.
- Upon termination of the Administrative Probationary Period or after the lapse of one year from the date of this agreement, whichever occurs first, Myers' producer license will be restored to unrestricted status.
5. Myers concedes to a fine of \$1,000, which fine is suspended, with the entire amount becoming due and payable upon any violation of Title 41 during the Administrative Probationary Period. Upon successful completion of the Administrative Probationary period or after the lapse of one year from the date of this agreement, whichever occurs first, the fine is excused.
6. Myers will also report to the Department when his criminal probation terminates.

THE DEPARTMENT OF INSURANCE



LISA TORDJMAN, Supervisor, Producer  
Licensing Section



DONNIE STEVEN MYERS



JERRY "JAY" R. PELTON, JR, as Supervising  
Producer