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

In the Matter of:	)	
	)	
	)	Docket No. 18-2335-06
SINCLAIR INSURANCE COMPANY	)	
LTD., and N.M SIM MANAGEMENT,	)	<b>CEASE AND DESIST ORDER</b>
LTD.	)	
_____	)	

Pursuant to the authority of the Idaho Insurance Code, Idaho Code § 41-101, *et seq.*, (the Code), and in particular Idaho Code § 41-213(1)(a), as well as the administrative procedures act, Idaho Code § 67-5201 *et seq.*, and in particular Idaho Code § 67-5247, the Director of the Department of Insurance, State of Idaho (Director), issues this Cease and Desist Order as an emergency order without prior notice but with the opportunity for hearing based upon the following:

**BACKGROUND**

(1) On or about April 10, 2006, the Department of Insurance, State of Idaho (Department) received information indicating Sinclair Insurance Company, Ltd. through its

representative N.M. SIM Management, Ltd. (collectively “Respondent”) was conducting unlicensed insurance transactions.

### **FINDINGS OF FACT**

(2) The Department conducted examination based upon the received information referenced in paragraph 1. The Department’s data base and records did not reveal any information indicating that the Respondent is licensed to conduct insurance transactions in Idaho.

(3) On or about April 10, 2006, one of the Department’s examiners performed an online search to verify whether the Respondent conducts business without a license. The Department’s examiner confirmed the Respondent’s business being conducted from 1901 60th Place E., Suite L7016 Bradenton, Florida 34203. Further, the Department’s examiner was able to receive a quote for insurance covering risk located in Idaho and a confirming email from the Respondent ostensibly evidencing insurance coverage which was a printout of an insurance certificate of coverage.

(4) The State of Nebraska has issued similar order ordering Respondent to cease and desist unauthorized insurance business in the State of Nebraska.

### **CONCLUSIONS OF LAW**

(5) Idaho Code § 41-113(1) provides that no person shall transact in a business of insurance in Idaho ... without complying with the applicable provisions of this code.

(6) The Code defines “authorized,” “unauthorized” insurer in Idaho Code § 41-110(1)(2) as follows:

(1) An “authorized” insurer is one duly authorized by a subsisting certificate of authority issued by the director to transact insurance in this state. .

(2) An “unauthorized” insurer is one not so authorized.

(7) The Code defines “transacting insurance” in Idaho Code § 41-112 as follows:

“Transacting insurance” includes any of the following:

- (1) Solicitation and inducement.
- (2) Preliminary negotiations.
- (3) Effectuation of a contract of insurance.
- (4) Transaction of matters subsequent to effectuation of a contract of insurance and arising out of it.
- (5) Mailing or otherwise delivering any written solicitation to any person in this state by an insurer or any person acting on behalf of the insurer for fee or compensation.

(8) The Respondent’s acts of conducting the business of transacting insurance without obtaining a license, constitute violations of Idaho Code §§ 41-113(1), 41-305.

**ORDER**

**NOW, THEREFORE, ACTING PURSUANT TO THE PUBLIC INTEREST AND IDAHO CODE § 41-213(1), IT IS HEREBY ORDERED THAT SINCLAIR INSURANCE COMPANY, LTD., AND N.M. SIM MANAGEMENT LTD., THEIR DIRECTORS, OFFICERS, EMPLOYEES, AGENTS AND SUCCESSORS, IMMEDIATELY CEASE AND DESIST FROM ENGAGING IN FURTHER UNLICENSED INSURANCE TRANSACTIONS IN IDAHO FROM ITS ADDRESS OF 1901 60TH PLACE E., SUITE L7016, BRADENTON, FLORIDA 34203 AS WELL AS ANY OTHER ADDRESSES, AND FROM ANY OTHER VIOLATIONS OF THE IDAHO INSURANCE CODE.**

**NOTICE**

(9) THE RESPONDENT IS HEREBY NOTIFIED that this Cease and Desist Order is a final order of the Director, subject to the Respondent’s right to timely file a motion for reconsideration or a request for hearing. Pursuant to Idaho Code §§ 41-232 and 41-5246, the Respondent may file a motion for reconsideration of this Cease and Desist Order or a request for hearing within fourteen (14) days of the service of this Order.

(10) Any hearing and subsequent proceedings in this matter will be conducted in accordance with Chapter 2, Title 41, of the Code and the Idaho Administrative Procedure Act, Idaho Code § 67-5201, *et seq.*

(12) If the Respondent timely files a motion for reconsideration, the Department will dispose of such motion within twenty-one (21) days of its receipt, or the motion will be considered denied by operation of law, pursuant to Idaho Code § 67-5246(4).

(13) If the Respondent timely files a request for hearing, the Respondent will be notified of the date, time and place of the hearing, as well as the name of the presiding officer. At the hearing, the Respondent will be entitled to enter an appearance, introduce evidence, examine and cross-examine witnesses, make arguments, and generally participate in the conduct of the proceedings. The Respondent may also be represented by legal counsel at its own expense.

(14) Any motion for reconsideration or request for hearing must be timely made in writing, addressed to:

Tricia Watson  
Assistant to the Director  
Idaho Department of Insurance  
P.O. Box 83720  
Boise, Idaho 83720-0043  
(208) 334-4217.

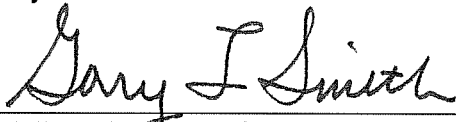
(15) Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order may appeal from such order to the district court by filing a petition in the district court of the county in which:

- a. a hearing was held;
- b. the final agency action was taken;
- c. the party seeking review of the order resides, or
- d. the real property or personal property that was the subject of the agency action is located.

(16) An appeal must be filed within twenty-eight (28) days: (a) of the issuance of this Order, (b) of the issuance of an order denying a motion for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. Idaho Code § 67-5273(2). The filing of an appeal to the district court does not itself stay the effectiveness of enforcement of the order being appealed.

**IT IS SO ORDERED**

DATED and EFFECTIVE this 4 day of May 2006.

  
\_\_\_\_\_  
GARY L. SMITH, Director  
Idaho Department of Insurance

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 4<sup>th</sup> day of May, 2006, I caused a true and correct copy of the foregoing CEASE AND DESIST ORDER to be served on the following by the designated means:

Sinclair Insurance Company, Ltd.  
1901 60th Place E., Suite L7016,  
Bradenton, Florida 34203

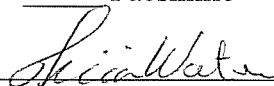
First class mail  
 Certified mail  
 Hand delivery  
 Facsimile

N.M. SIM Management, Ltd.  
1901 60th Place E., Suite L7016,  
Bradenton, Florida 34203

First class mail  
 Certified mail  
 Hand delivery  
 Facsimile

Murad Sawafta  
Legal Intern  
Idaho Department of Insurance  
P.O. Box 83720  
Boise, ID 83720-0043

First class mail  
 Certified mail  
 Hand delivery  
 Facsimile

  
\_\_\_\_\_  
Tricia Watson  
Assistant to the Director