STATE OF NORTH DAKOTA

BEFORE THE INSURANCE COMMISSIONER

In the Matter of	)	
	)	**CONSENT ORDER**
Joshua Smith,	)	
NPN 17114807,	)	**CASE NO. AG-16-636**
	)	
Respondent.	)	

TO: Joshua Smith, 2626 Babcock Road, Apt. 3005, San Antonio, TX 78229-6004

Insurance Commissioner Adam Hamm ("Commissioner") has determined as follows:

1. As a result of information obtained by the North Dakota Insurance Department ("Department") regarding the conduct of Joshua Smith, NPN 17114807 ("Respondent"), the Commissioner has considered scheduling a formal hearing to determine whether Respondent's conduct as alleged constitutes a basis for imposition of a civil penalty or any other action the Commissioner deems necessary. As more fully described below, Respondent's conduct is alleged to be in violation of N.D.C.C. § 26.1-26-15.

2. N.D.C.C. § 26.1-26-15 requires that an applicant for any license must be deemed by the Commissioner to be competent, trustworthy, financially responsible, and of good personal and business reputation.

3. Respondent has been licensed as a nonresident insurance producer in North Dakota since February 11, 2014.

4. On or about July 10, 2014, Respondent notified the Department of his July 7, 2014, arrest for Injury to Child-SBI-Intent/Know. On or about February 8, 2016, Respondent was pled Nolo Contendere to the charge and received an Order of Deferred Adjudication and was placed on probation for a period of seven years. Respondent's actions relating to the matter are in violation of N.D.C.C. § 26.1-26-15.

5. Respondent's actions constitute a violation of N.D.C.C. § 26.1-26-15.

6. Respondent acknowledges that at the time of signing the Consent to Entry of Order, he was aware of or had been advised of the right to a hearing in this matter, to consult an attorney, to present argument to the Commissioner, to appeal from any adverse determination after a hearing, and Respondent expressly waives those rights.

7. Respondent has agreed to informal disposition of this matter, without a hearing, as provided under N.D.C.C. § 28-32-22.

8. For purposes of resolving this matter without further administrative proceedings, Respondent has agreed to enter into the following order.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Respondent agrees to issuance by the Commissioner of a conditional license for a period of seven years. After expiration of seven years, the license will remain conditional for 61 days, to allow the Department to determine whether Respondent completed probation successfully or to enforce any violation of this agreement that occurred during the seven-year conditional period. After the aforementioned time period has expired, the license will become unrestricted if no enforcement action has been initiated.

2. Respondent agrees that the Department may, during the seven-year conditional license period and the 61-day review period allowed under paragraph 1,

revoke, suspend, or take such further action as may be deemed necessary against Respondent's insurance license without Notice of Hearing or the issuance of a Complaint if the Department receives a complaint from any source against Respondent and, after investigation of the merits of said complaint, notifies the Respondent that Respondent has, in the Commissioner's opinion, violated the laws of the State of North Dakota. Respondent further agrees that any action taken against Respondent's license or in furtherance of this action is final and not appealable.

3. The use of this Consent Order for competitive purposes by an insurance producer or agency holding a license in the State of North Dakota, or by any company holding a Certificate of Authority, or by anyone on their behalf, may be deemed unfair competition and be grounds for suspension or revocation of said license or authority.

DATED at Bismarck, North Dakota, this 22nd day of July, 2016.

Adam Hamm
Insurance Commissioner
State of North Dakota

CONSENT TO ENTRY OF ORDER

The undersigned, **Joshua Smith**, states that he has read the foregoing Consent Order, that he knows and fully understands its contents and effect; that he has been advised of the right to a hearing in this matter, the right to be represented by legal counsel, the right to present evidence and arguments to the Commissioner, and the right to appeal from an adverse determination after hearing; and that by the signing of this Consent to Entry of Order he waives those rights in their entirety, and consents to entry of this Order by the Commissioner. It is further expressly understood that this

Order constitutes the entire settlement agreement between the parties, there being no other promises or agreements, either expressed or implied.

DATED this 19 day of July, 2016.

Joshua Smith

County of Bexar
State of Texas

Subscribed and sworn to before me this 19th day of July, 2016.

Notary Public

My commission expires: 10/11/2017

CATHERINE CARDENAS
NOTARY PUBLIC
STATE OF TEXAS
ID 128036418
EXP. 10-11-2017