

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	
)	CONSENT ORDER
Allen Amsbaugh,)	
NPN 15886822,)	CASE NO. AG-15-569
)	
Respondent.)	

TO: Allen Amsbaugh, 94 Evergreen Circle, West Fargo, ND 58078-3969

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 Allen Amsbaugh, NPN 15886822 ("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. § 26.1-26-42(6).

2. N.D.C.C. § 26.1-26-42(6) states:

The commissioner may suspend, revoke, place on probation, or refuse to continue or refuse to issue any license issued under this chapter if, after notice to the licensee and hearing, the commissioner finds as to the licensee any of the following conditions:

...

6. In the conduct of affairs under the license, the licensee has used fraudulent, coercive, or

dishonest practices, or has shown oneself to be incompetent, untrustworthy or financially irresponsible.

3. N.D.C.C. § 26.1-26-50 provides:

In addition to or in lieu of any applicable denial, suspension, or revocation of a license, any person violating this chapter may, after hearing, be subject to a civil fine not to exceed ten thousand dollars for each violation. The fine may be collected and recovered in an action brought in the name of the state.

4. On or about August 21, 2014, Respondent went to the home of an insured, W.C., for the purpose of discussing his policies with Washington National Insurance Company. W.C. asserts that Respondent told him he needed to update W.C.'s policies. W.C. later discovered that he was not sold updates to existing policies, but new policies.

5. Respondent also told the Department that he had shown W.C. updates to his policies and told W.C. that he was selling him add-ons. However, the policy applications were provided by Washington National Insurance Company and on each Respondent had indicated that it was a "new" policy.

6. Respondent's actions in telling W.C. that he was purchasing updates to existing policies when, in fact, he was purchasing new policies violate N.D.C.C. § 26.1-26-42(6).

7. Respondent acknowledges that at the time of signing this Consent to Entry of Order, he is aware of or has been advised of his rights 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.

8. Respondent has agreed to informal disposition of this matter, without a hearing, as specifically set forth in this Order.

9. There are no covenants, promises, undertakings or understandings other than as specifically set forth in this Order.

10. Respondent consents to the Commissioner's continuing jurisdiction over him regarding any issues which may subsequently arise related to Respondent's activities.

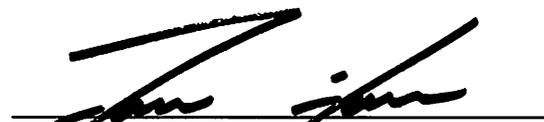
11. For purposes of resolving this matter without further administrative proceedings, Respondent and the Commissioner have agreed to enter into the following Order.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Respondent agrees to pay a fine in the amount of \$100 payable by money order, cashier's check, or credit card to the North Dakota Insurance Department within 20 days of the effective date of this Order.

2. The use of this Consent Order for competitive purposes by an insurance agent 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 29th day of October, 2015.

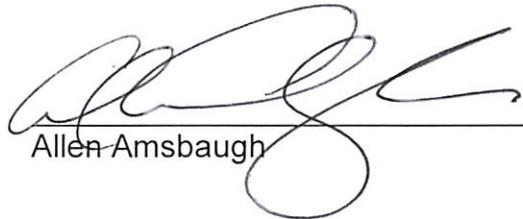


Adam Hamm
Insurance Commissioner
State of North Dakota

CONSENT TO ENTRY OF ORDER

The undersigned, **Allen Amsbaugh**, 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 26 day of October, 2015.


Allen Amsbaugh

County of Cass
State of North Dakota

Subscribed and sworn to before me this 26 day of October, 2015.


Notary Public

My commission expires:

