STATE OF NORTH DAKOTA

BEFORE THE INSURANCE COMMISSIONER

In the Matter of	)	
	)	**CONSENT ORDER**
Judith Butler,	)	
NPN 8163533,	)	**CASE NO. AG-15-517**
	)	
Respondent.	)	

TO: Judith Butler, 712 First Avenue South, Jamestown, ND 58401

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

1. As a result of information obtained by the North Dakota Insurance Department ("Department") regarding the conduct of Judith Butler, NPN 8163533 ("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.

2. Respondent's conduct is alleged to be in violation of the requirement that insurance producers be trustworthy:

> **26.1-26-15. License requirement - Character.** An applicant for any license under this chapter must be deemed by the commissioner to be competent, trustworthy, financially responsible, and of good personal and business reputation.
>
> **26.1-26-42. License suspension, revocation, or refusal - Grounds.** 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. Respondent has held a North Dakota resident insurance producer license since July 9, 2004. Respondent is subject to the jurisdiction and control of the Commissioner. Respondent also holds an insurance producer license in Minnesota.

4. The Department has come into information that alleges in March 2014, after taking information for an application for health coverage from an individual by phone, Respondent signed the applicant's name to the application without the applicant's permission and in contravention of company policy.

5. Respondent's action in paragraph 4 constitutes a violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(6).

6. Respondent's action in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(6) is grounds for imposition of a civil penalty pursuant to N.D.C.C. § 26.1-26-50 which states in relevant part:

> **26.1-26-50. Civil penalty for violation of chapter.**
> 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.

7. Respondent acknowledges that at the time of signing this Consent Order, she was aware of or had been advised of her 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 provided under N.D.C.C. § 28-32-22.

9. 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 Judith Butler agrees to issuance by the Commissioner of a conditional license for a period of two years.

2. Respondent Judith Butler agrees to pay a fine in the amount of $2,000 by money order, cashier's check, or credit card to the North Dakota Insurance Department within 30 days of the effective date of this Order.

3. Respondent Judith Butler agrees that the Department may, during the two-year conditional license period, 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 not appealable.

4. 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.

5. This Consent Order becomes effective on the date of signature by the Commissioner.

DATED at Bismarck, North Dakota, this 17th day of March, 2015.

Adam Hamm
Insurance Commissioner
State of North Dakota

CONSENT TO ENTRY OF ORDER

The undersigned, **Judith Butler**, states that she has read the foregoing Consent Order, that she knows and fully understands its contents and effect; that she has been advised of her right to a hearing in this matter, her right to be represented by legal counsel, her right to present evidence and arguments to the Commissioner, and her right to appeal from an adverse determination after hearing; and that by the signing of this Consent to Entry of Order she voluntarily 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 12th day of March, 2015.

Judith Butler

Judith Butler

Subscribed and sworn to before me this 12th day of March, 2015.

Tracey J Pringle

Notary Public

State of Stutsman North Dakota
County of Stutsman

My commission expires: 9-17-2020

TRACEY J PRINGLE
Notary Public
State of North Dakota
My Commission Expires Sept 17, 2020