

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	
)	
Rodger A. Hoeft,)	CONSENT ORDER
NPN 6920780,)	
)	CASE NO. AG-13-414
Respondent.)	

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 Rodger A. Hoeft, NPN 6920780 (“Respondent”), an individual who has at all times relevant to this proceeding held a North Dakota insurance producer license, the Commissioner has considered starting administrative proceedings regarding Respondent’s conduct as alleged below and regarding the imposition of a civil penalty or any other action the Commissioner deems necessary. Respondent’s conduct is alleged to be in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(6).

2. N.D.C.C. § 26.1-26-15 states, in relevant part:

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.

3. N.D.C.C. § 26.1-26-42 states, in relevant part:

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.

4. The Commissioner has come into information which alleges that Respondent has not acted in a competent and trustworthy manner with respect to conducting insurance business with at least one of his insureds, B.D. During the period December 27, 2012, through January 3, 2013, Respondent sent a series of text messages to an insured, B.D., some of which were of an offensive, inappropriate and unwanted nature and which did not involve transacting insurance business with the insured, B.D.

5. In Respondent's January 21, 2013, response to the Department's request for information from Respondent regarding B.D.'s complaint, Respondent admitted to the Department that he sent "inappropriate" text messages to B.D.

6. Respondent's actions described in Paragraphs 4 and 5 above constitute violations of N.D.C.C. §§ 26.1-26-15 and 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 provided under N.D.C.C. § 28-32-22.

9. There are no covenants, promises, undertakings, or understanding 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 issuance by the Commissioner of a conditional license for a period of five years.

2. Respondent agrees to immediately and forever cease and desist contacting the insured, B.D., through any form of communication, including but not limited to telephone, email, or text message.

3. Respondent agrees Respondent will contact insureds and prospective insurance clients **solely** for the purpose of transacting insurance business and shall not communicate with insureds for offensive, inappropriate or unwanted purposes which the Commissioner deems incompetent or untrustworthy.

4. Further, the Department may, during the five-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 the Respondent and after investigation of the merits of said complaint, notifies the Respondent that he has, in the Commissioner's opinion, violated the laws of the State of North Dakota. Respondent further agrees that any action taken against his license or in furtherance of this action is not appealable.

5. 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 3rd day of September, 2013.



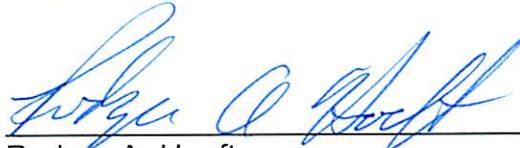
Adam Hamm
Insurance Commissioner
State of North Dakota

CONSENT TO ENTRY OF ORDER

The undersigned, **Rodger A. Hoeft**, 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 his right to a hearing in this matter, his right to be represented by legal counsel, his right to present evidence and arguments to the Commissioner, and his 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.

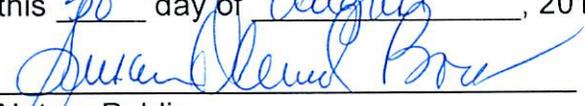
DATED this 30th day of August, 2013.



Rodger A. Hoelt

Subscribed and sworn to before me

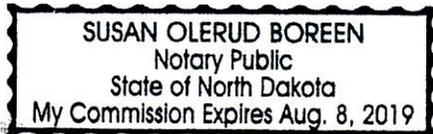
this 30th day of August, 2013.



Notary Public

State of North Dakota
County of Cass

My commission expires: _____



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Commissioner of Insurance
State of North Dakota