

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	
)	
Patricia L. Howard,)	CONSENT ORDER
NPN 5743902,)	
DOB 10/9/48,)	CASE NO. AG-09-260
)	
Respondent.)	

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 Patricia L. Howard, NPN 5743902, DOB 10/9/48 ("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. Respondent's conduct is alleged to be in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(6) and (10).

2. N.D.C.C. § 26.1-26-15 states:

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 part:

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.

10. An improper withholding of, misappropriating of, or converting to one's own use any moneys belonging to policyholders, insurers, beneficiaries, or others received in the course of one's insurance business.

4. The Commissioner has information that indicates Respondent has knowingly and intentionally engaged in deceitful and dishonest practices against residents of the State of North Dakota. In her actions on and between September 19, 2008, and continuing at least through October 15, 2009, of accepting money belonging to several insurance clients, Respondent improperly withheld clients' money and failed to submit the funds and applications for insurance to the intended insurer. Respondent's conduct of accepting money intended to be used for insurance premiums and then failing to remit the money and other documents to the appropriate insurer constitutes a violation of N.D.C.C §§ 26.1-26-15 and 26.1-26-42(6).

5. On or about September 19, 2008, Respondent, acting as an insurance agent, accepted a check for \$757.00 and an application for insurance from Rockie and Jeanne Kukla for a ranch/farm liability and homeowner insurance policy. Respondent kept the check and application and failed to remit either to the intended insurer, Nodak

Mutual Insurance Company, in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(6) and (10).

6. On or about February 26, 2009, Respondent, acting as an insurance agent, accepted a check from Craig Pelton for quarterly payment of insurance premiums for a ranch/farm liability policy. Respondent kept the funds and failed to remit it to the intended insurer, Nodak Mutual Insurance Company, in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(6) and (10).

7. On or about September 1, 2009, Respondent, acting as insurance agent, completed a document titled "ACORD Insurance Binder" and sent it via facsimile to Wells Fargo Bank. Respondent created the document intending it be used to provide proof of insurance of the ranch/farm liability policy that Rockie and Jeanne Kukla thought they had secured through Respondent but which she in fact never did submit to the intended insurer. Respondent knew the Kuklas had no such insurance coverage and that the document contained false information. Respondent's conduct was in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(6) and (10).

8. Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(6) and (10) and are grounds for revocation of Respondent's insurance agent license.

9. Respondent acknowledges that at the time of signing the Consent to Entry of 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.

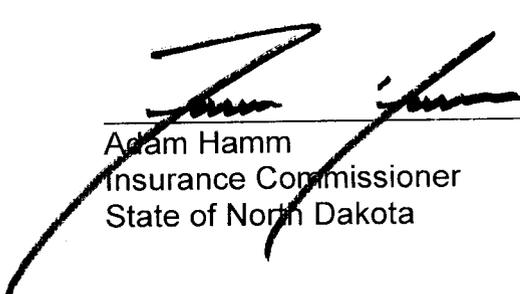
10. Respondent has agreed to informal disposition of this matter, without a hearing, as provided under N.D.C.C. § 28-32-22.

11. For purposes of resolving this matter, without further administrative proceedings, Patricia L. Howard and the Commissioner have agreed to enter into the following order.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Respondent's resident insurance agent license is hereby **REVOKED** effective upon the Commissioner's execution of this Order.
2. No administrative fine or other civil penalty is imposed.
3. 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 December, 2009.



Adam Hamm
Insurance Commissioner
State of North Dakota

CONSENT TO ENTRY OF ORDER

The undersigned, **Patricia L. Howard**, 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 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 and there are no other promises or agreements, either expressed or implied.

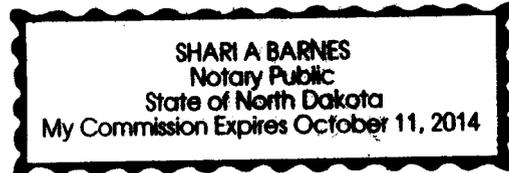
DATED this 23 day of Dec, 2009

Patricia L Howard
Patricia L. Howard

Subscribed and sworn to before me

this 23 day of December, 2009.

Shari A Barnes
Notary Public



My commission expires: