

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	
)	
Wiley P. Long III,)	CONSENT ORDER
NPN 551001, and)	
Wiley Long Enterprises, Inc.,)	CASE NO. AG-13-393
NPN 8802620,)	
)	
Respondents.)	

North Dakota 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 Wiley P. Long III, NPN 551001, and Wiley Long Enterprises, Inc., NPN 8802620 (“Respondents”), the Commissioner has considered scheduling a formal hearing to determine whether Respondents’ conduct as alleged constitutes a basis for imposition of a civil penalty or any other action the Commissioner deems necessary.

2. Respondents’ conduct is alleged to be in violation of the following state laws relating to the regulation of insurance producers: N.D.C.C. §§ 26.1-26-15, 26.1-26-42, and 26.1-26-45.1.

3. N.D.C.C. § 26.1-26-15 states:

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.

4. N.D.C.C. § 26.1-26-42 states, in 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.

5. N.D.C.C. § 26.1-26-45.1 states, in part:

An insurance producer shall report to the commissioner any administrative action taken against the insurance producer's license in another jurisdiction or by another governmental agency in this state within thirty days of the final disposition of the matter. This report must include a copy of the order, consent to order, or other relevant legal documents.

6. Respondent Wiley P. Long III has held a North Dakota nonresident insurance producer license since December 10, 2008. Respondent Wiley Long Enterprises, Inc., has held a North Dakota nonresident business entity license since June 22, 2009. Respondents hold resident licenses issued by the State of Colorado. Respondents are subject to the jurisdiction and control of the Commissioner.

7. The Department received information relating to administrative actions taken against Respondents in Illinois on October 2, 2012, for violations committed in 2007 and 2008.

8. The Illinois Department of Insurance alleged that in November 2007 and February 2008 Respondents violated Illinois Insurance Code "by offering rebates on two occasions . . ." and "by failing to obtain a business entity license . . ." Respondents entered into a Consent Order with the Illinois Department of Insurance on October 2,

2012, agreeing to pay a civil forfeiture of \$3,000. Respondents reported the October 2, 2012, action to the Department on January 14, 2013, approximately 103 days after the date of the action.

9. Respondents' failure to report the Illinois administrative action to the Department within 30 days is a violation of N.D.C.C. §§ 26.1-26-45.1.

10. Respondents failing to report the Illinois administrative actions within 30 days is incompetent within the meaning of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42.

11. Respondents acknowledge that at the time of signing this Consent to Entry of Order, Respondents were aware of or had been advised of their 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 Respondents expressly waive those rights.

12. Respondents have agreed to an informal disposition of this matter, without a hearing, as provided under N.D.C.C. § 28-32-22.

13. For purposes of resolving this matter, without further administrative proceedings, Respondents and the Commissioner have agreed to enter into the following order.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Respondents shall pay a fine of \$200 to the Department. Respondents shall pay the fine within 20 days of its signing of this document.

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 24th day of June, 2013.


Adam Hamm
Insurance Commissioner
State of North Dakota

CONSENT TO ENTRY OF ORDER

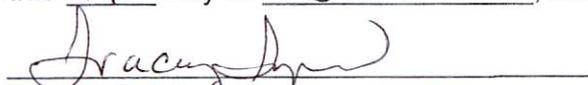
The undersigned, **Wiley P. Long III, individually and for Wiley Long Enterprises, Inc.**, states that he has read the foregoing Order, that he knows and fully understands its contents and effect; that he has been advised of his right to a hearing in this matter, his right to be represented by legal 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 hereto, there being no other promises or agreements, either expressed or implied.

DATED this _____ day of _____, 2013.


Wiley P. Long III

Subscribed and sworn to before me

this 14 day of June, 2013.


Notary Public

State of COLORADO
County of LAKNER

TRACEY INGRAM
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 05/11/2016

My commission expires: 5-11-16