

STATE OF NORTH DAKOTA  
BEFORE THE INSURANCE COMMISSIONER

In the Matter of	)	
	)	
Gregory Miller,	)	CONSENT ORDER
NPN 663690,	)	
	)	CASE NO. AG-14-459
	)	
Respondent.	)	

TO: Gregory B. Miller, 428 25<sup>th</sup> Street South, Fargo, ND 58103

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 Gregory B. Miller, NPN 663690 (“Respondent”), the Commissioner has begun 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(1) and (5).

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:

1. A materially untrue statement in the license application.
- ...
5. The applicant or licensee has been convicted of a felony or convicted of an offense, as defined by section 12.1-01-04, determined by the commissioner to have a direct bearing upon a person's ability to serve the public as an insurance producer, insurance consultant, or surplus lines insurance producer, or the commissioner finds, after conviction of an offense, that the person is not sufficiently rehabilitated under section 12.1-33-02.1.

4. N.D.C.C. § 26.1-26-45.1(2) states, in relevant part:

Within thirty days after a criminal conviction, an insurance producer shall report to the commissioner any criminal conviction of the insurance producer taken in any jurisdiction. The report must include a copy of the initial complaint, the order issued by the court, and any other relevant legal documents.

5. On or about July 18, 1996, Respondent applied for a resident insurance producer license. On that application, Respondent answered "yes" to background question C which asks, "Have you ever been convicted of or pled nolo contendere (no contest) to any misdemeanor or felony or currently have pending misdemeanor or felony charges filed against you?" Respondent disclosed that he was convicted of Possession of Stolen Property in 1982 while a juvenile.

6. On or about August 18, 2010, Respondent renewed his resident insurance producer license and answered “no” to background question one which asks, “Have you been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime, which has not been previously reported to this insurance department?” On or about September 19, 2012, Respondent renewed his resident insurance producer license and again answered “no” to background question one. Renewal forms were not used prior to 2010. Respondent’s failure to disclose the 1982 criminal conviction on the renewal applications is a violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(1).

7. On or about November 21, 2013, Respondent applied for a resident business entity license for Fargo-Moorhead Insurance, Inc., and had listed himself as owner. On that application, Respondent answered “yes” to background question one which asks, “Has the business entity or any owner, partner, officer or director of the business entity, or member or manager of a limited liability company, ever been convicted of, or is the business entity or any owner, partner, officer or director, member or manager currently charged with, committing a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?” Respondent disclosed that he was convicted of felony Burglary in 1987. At no time did Respondent report the 1987 criminal conviction within 30 days to the Department as is required by N.D.C.C. § 26.1-26-45.1(2). Respondent’s failure to disclose the 1987 felony Burglary conviction on the business entity application and Respondent’s failure to self-report the conviction within 30 days are in violation of N.D.C.C. §§ 26.1-26-15, 26.1-26-42(1) and (5), and 26.1-26-45.1(2).

8. Respondent's actions in violation of N.D.C.C. §§ 26.1-26-15, 26.1-26-42 and 26.1-26-45.1 are 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.

9. Respondent acknowledges that at the time of signing the Consent to Entry of Order, he was aware of or had 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.

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

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

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

13. 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:

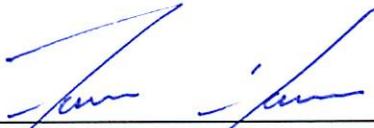
1. Respondent agrees to issuance by the Commissioner of a conditional license for a period of 24 months.

2. Respondent agrees to pay a fine in the amount of \$2,200 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.

3. Further, the Department may, during the 24-month 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.

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.

DATED at Bismarck, North Dakota, this 18<sup>th</sup> day of March, 2014.

  
\_\_\_\_\_  
Adam Hamm  
Insurance Commissioner  
State of North Dakota

### CONSENT TO ENTRY OF ORDER

The undersigned, **Gregory B. Miller**, states that he has read the foregoing Consent Order, that he knows and fully understands its contents and effect; that he has

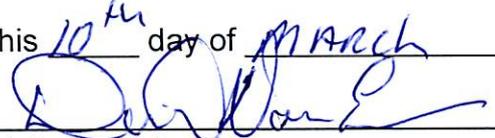
been advised of his right to a hearing in this matter, his right to be represented by legal counsel, his right to present evidence and arguments to the Commissioner, and his right to appeal from an adverse determination after hearing; and that by the signing of this Consent to Entry of Order he waives 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.

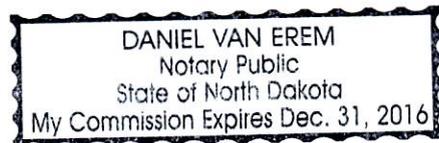
DATED this 10<sup>th</sup> day of March, 2014.

  
\_\_\_\_\_  
Gregory B. Miller

Subscribed and sworn to before me

this 10<sup>th</sup> day of MARCH, 2014.

  
\_\_\_\_\_  
Notary Public



State of NORTH DAKOTA  
County of CASS

My commission expires:

12/31/16