

**STATE OF NORTH DAKOTA**  
**BEFORE THE INSURANCE COMMISSIONER**

<b>In the Matter of</b>	)	
	)	
<b>Stephanie Ann Montague,</b>	)	<b>CONSENT ORDER</b>
<b>NPN 10999269,</b>	)	
<b>DOB 1/5/69,</b>	)	<b>FILE NO. AG-09-254</b>
	)	
<b>Respondent.</b>	)	

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 Stephanie Ann Montague , NPN 10999269, DOB 1/5/1969 (“Respondent”), an individual who does not hold a North Dakota insurance producer’s license, the Commissioner has considered issuing a cease and desist order 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. § 26.1-26-03.

2. N.D.C.C. § 26.1-26-03 states in relevant part:

**26.1-26-03. License required – Acting as insurance producer or consultant without license prohibited – penalty.** No person may act as or hold oneself out to be an insurance producer, insurance consultant, or surplus lines insurance producer unless licensed under this chapter. A person may not sell, solicit, or negotiate insurance in this state for any class of insurance unless the person is licensed for that line of authority in accordance with this chapter....

3. The Commissioner has come into information which alleges that Respondent did, by email, on or about January 23, 2009, in Stark County, North Dakota, solicit insurance from the Mackoff Kellogg Law Firm, Dickinson, although she was not licensed for any line of authority in North Dakota under N.D.C.C. ch. 26.1-26.

4. Respondent's action in paragraph 3, constitutes a violation of N.D.C.C. § 26.1-26-03.

5. Respondent's action in violation of N.D.C.C. § 26.1-26-03 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. (Effective through December 31, 2009)**  
**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 of not less than one hundred dollars nor more than one thousand dollars.

6. 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.

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

8. The parties acknowledge this Order is a compromise of disputed claims, and the monetary payment is not to be construed as an admission of the allegations on the part of Respondent. Respondent denies the allegations and merely intends to avoid litigation.

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 her 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 not to engage in the sale, solicitation, or negotiation of insurance in North Dakota without a North Dakota producer license.

2. Respondent agrees to pay a fine in the amount of \$500 payable by money order, cashier's check, or credit card to the North Dakota Insurance Department within five business days of the effective date of this Order.

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 25<sup>th</sup> day of January, ~~2009~~ 2010.

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

**CONSENT TO ENTRY OF ORDER**

The undersigned, **Stephanie Ann Montague**, 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 of Insurance. 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 27<sup>th</sup> day of October, 2009.

  
Stephanie Ann Montague

Subscribed and sworn to before me

this 27<sup>th</sup> day of October, 2009.

Susan C. Small  
Notary Public

State of Colorado  
County of Denver

My commission expires: March 10, 2011