

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	
)	
Skip R. Mulvey,)	CONSENT ORDER
NPN 7278492)	
)	CASE NO. AG-12-343
)	
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 Skip R. Mulvey, NPN 7278492, (“Respondent”), an individual who does not hold a North Dakota insurance producer 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, on or about June 9, 2010, sell, solicit, or negotiate insurance, or all of these, to BK Towing of Bathgate, North Dakota, and did act as an insurance producer, although he was not licensed for any line of authority in North Dakota.

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. 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.

6. 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.

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

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

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

10. 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, and Respondent agrees not to act as an insurance producer 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 27th day of August, 2012.



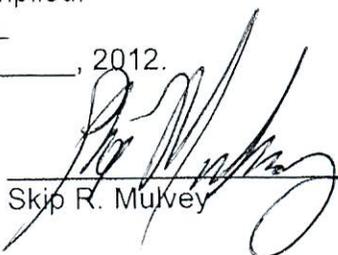
Adam Hamm
Insurance Commissioner
State of North Dakota

CONSENT TO ENTRY OF ORDER

The undersigned, **Skip R. Mulvey**, 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 21 day of AUGUST, 2012.



Skip R. Mulvey

Subscribed and sworn to before me

this 21 day of AUGUST, 2012.



Notary Public

State of NEW YORK
County of ERIE

My commission expires: 4/30/2015

MICHAEL R. SHANNON
Notary Public - State of New York
Qualified in Erie County
My Commission Expires April 30, 2015