

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER



In the Matter of)	
)	CONSENT ORDER
Melanie O'Neal,)	
NPN 15815590,)	CASE NO. AG-14-480
)	
Respondent.)	

TO: Melanie O'Neal, 112 SW Peacock Boulevard, #101, Port St. Lucie, FL 34986

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 Melanie O'Neal, NPN 15815590, an individual who has at all relevant times hereto held herself out as holding a valid insurance producer license in the State of North Dakota, the Commissioner has considered initiating 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. § 26.1-26-03.

2. N.D.C.C. § 26.1-26-03 states:

26.1-26-03. License required – Acting as insurance producer or consultant without license prohibited - Penalty. No person may act 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. Any person willfully violating this section is guilty of a class C felony.

3. On or about January 21, 2013, the Department was notified by UnitedHealthcare Insurance Company that Respondent was terminated because Respondent sold a UnitedHealthcare Medicare Advantage or Prescription Drug Plan product in North Dakota without proper producer state licensing.

4. On or about February 1, 2013, UnitedHealthcare Insurance Company responded to a Department request for more information relating to the termination. UnitedHealthcare stated that Respondent sold a Prescription Drug Plan to a North Dakota resident on January 7, 2013, when she was not licensed to do so. Pursuant to UnitedHealthcare's policy of termination of agents for unqualified sales, Respondent was terminated not for cause without investigation.

5. According to information provided to the Department, Respondent was working for Aegis USA, Inc., a third-party company that processes insurance enrollments for UnitedHealthcare. Respondent stated that during her training she was told that if she was not licensed in a particular state, a pop-up would appear on her screen alerting her to that fact and directing her to transfer the call to another agent. Respondent stated she was terminated for enrolling someone from a state where she was not licensed. Respondent states she never received a pop-up on her computer notifying her she needed to transfer the call to another agent. It is the Respondent's responsibility to know which jurisdiction she is licensed in and to not rely on a pop-up.

6. Respondent's actions of selling an insurance product in North Dakota without proper producer state licensing is in violation of N.D.C.C. § 26.1-26-03.

7. Respondent acknowledges that at the time of signing the Consent to Entry of Order, she was aware of or had been advised of the 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 Respondent expressly waives those rights.

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

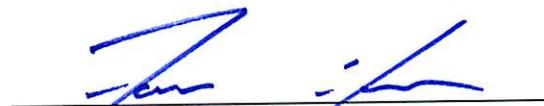
9. For purposes of resolving this matter without further administrative proceedings, Respondent has agreed to enter into the following order.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Respondent agrees to pay a fine in the amount of \$750 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.

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 3rd day of September, 2014.



Adam Hamm
Insurance Commissioner
State of North Dakota

CONSENT TO ENTRY OF ORDER

The undersigned, **Melanie O'Neal**, 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 the right to a hearing in this matter, the right to be represented by legal counsel, the right to present evidence and arguments to the Commissioner, and the 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, there being no other promises or agreements, either expressed or implied.

DATED this 22nd day of August, 2014.

Melanie O'Neal
Melanie O'Neal

Subscribed and sworn to before me this 22nd day of August, 2014.

Rikki Allison Barron
Notary Public

County of St. Lucie
State of Florida

My commission expires: July 5, 2016

