STATE OF NORTH DAKOTA

BEFORE THE INSURANCE COMMISSIONER

In the Matter of	)	
	)	
Sara Catherine Burgett,	)	**CONSENT ORDER**
NPN 16247114,	)	
DOB 4/2/83,	)	**CASE NO. AG-12-355**
	)	
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 Sara Catherine Burgett, NPN 16247114, DOB 4/2/83 ("Respondent"), the Commissioner has considered scheduling a formal hearing to determine whether Respondent's conduct as alleged constitutes a basis for 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, 26.1-26-42(5), and 26.1-26-45.1.

2. N.D.C.C. § 26.1-26-15 states:

> **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 part:

> **26.1-26-42. License suspension, revocation, or refusal - Grounds.** 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:
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> . . .
>
> 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 states:

26.1-26-45.1. Reporting of actions.

1. 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.

2. 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 May 23, 2011, Respondent submitted an application for a resident insurance producer license. She answered "no" to background question No. 1 which states, "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?" A search of court records indicated an undisclosed conviction for Possession of Alcohol in 2001. On June 9, 2011, a letter of admonishment was issued to Respondent for failure to disclose the criminal conviction. Respondent's license was issued on June 2, 2011.

6. On April 23, 2012, Respondent submitted an application to add a line of authority to her resident insurance producer license. She again answered "no" to background question No. 1 which states, "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?"

N.D.C.C. §§ 26.1-26-15 and 26.1-26-42 require full disclosure in applications for an insurance producer license.

7. 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.

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 and Commissioner have agreed to enter into the following order.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Respondent shall pay a civil fine in the amount of $200 due and payable by money order or cashier's check to the North Dakota Insurance Department within 30 days of execution of this Order.

2. The Commissioner reserves the right to take further action in this matter if Respondent does not timely pay the fine imposed in this order.

3. The use of this order for competitive purposes by any insurance producer 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 18th day of May, 2012.

Adam Hamm
Insurance Commissioner
State of North Dakota

CONSENT TO ENTRY OF ORDER

The undersigned, **Sara Catherine Burgett**, states that she has read the foregoing 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. 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 14th day of May, 2012.

Sara Catherine Burgett

Sara Catherine Burgett

Subscribed and sworn to before me

this 14 day of May, 2012.

Rochelle Welin

Notary Public

State of Minnesota
County of Marshall

My commission expires: 1-31-13

ROCHELLE WELIN
Notary Public
Minnesota
My Commission Expires January 31, 2013

RECEIVED
MAY 17 2012
Commissioner of Insurance
State of North Dakota