

STATE OF NORTH DAKOTA  
BEFORE THE INSURANCE COMMISSIONER

In the Matter of	)	
	)	CONSENT ORDER
Moses Torres,	)	
NPN 15656331,	)	CASE NO. AG-13-422
	)	
Respondent.	)	

TO: Moses Torres, 235 Willow Street, Hurst, TX 76053

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 Moses Torres, NPN 15656331 ("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. As more fully described below, Respondent's conduct is alleged to be in violation of N.D.C.C. §§ 26.1-26-15, 26.1-26-20, 26.1-26-42(5) and (14), and 26.1-26-45.1.

2. N.D.C.C. § 26.1-26-15 requires that an applicant for any license must be deemed by the Commissioner to be competent, trustworthy, financially responsible, and of good personal and business reputation.

3. N.D.C.C. § 26.1-26-20 states, in part, that:

Unless denied licensure pursuant to this chapter, the commissioner shall issue a nonresident person a nonresident insurance producer license if:

- a. The person is currently licensed as a resident and is in good standing in the person's home state.

4. N.D.C.C. § 26.1-26-42 states, in 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:

...

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.

...

14. The applicant or licensee has refused to respond within twenty days to a written request by the commissioner for information regarding any potential violation of this section.

5. N.D.C.C. § 26.1-26-45.1 states, in 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.

6. On or about July 31, 2013, the Department was notified by Teachers Insurance & Annuity Association of America that Respondent's appointment had been terminated for cause. The reason for the termination for cause was the result of Respondent being charged, convicted, sentenced, and jailed for the felony charges of *Child Molestation and Attempted Rape of a Child in Clark County, Washington (Cause No. 12-1-01569-4)*. Respondent was arrested on September 5, 2012, and served a jail sentence from June 20-July 3, 2013. Respondent failed to report the criminal proceedings to the Department within 30 days in violation of N.D.C.C. § 26.1-26-45.1.

7. On or about August 9, 2013, a letter was sent to Respondent at his mailing address on file with the Department requesting information relating to the felony charges that lead to the termination for cause and a statement explaining the circumstances that resulted in the felony charges. Respondent failed to respond to the Department's request for information. Respondent's failure to respond to a written request for information by the Department within 20 days is a violation of N.D.C.C. § 26.1-26-42(14).

8. According to information obtained by the Department, Respondent's resident insurance producer license was voluntarily surrendered in the State of Texas on September 10, 2013. Since Respondent no longer holds an active resident license from another state, he no longer qualifies to hold a nonresident license in this state and, therefore, is subject to license revocation pursuant to N.D.C.C. §§ 26.1-26-20 and 26.1-26-42.

9. Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-20, 26.1-26-42(5) and (14), and 26.1-26-45.1 and are grounds for revocation of Respondent's insurance producer license.

10. Respondent acknowledges that at the time of signing the Consent to Entry of Order, he 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.

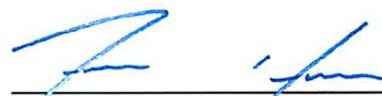
11. Respondent has agreed to informal disposition of this matter, without a hearing, as provided under N.D.C.C. § 28-32-22.

12. 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's nonresident insurance producer license is hereby **REVOKED** effective upon the Commissioner's execution of this Order.
2. No administrative fine or other civil penalty is imposed.
3. The use of this Consent Order for competitive purposes by an insurance producer 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.

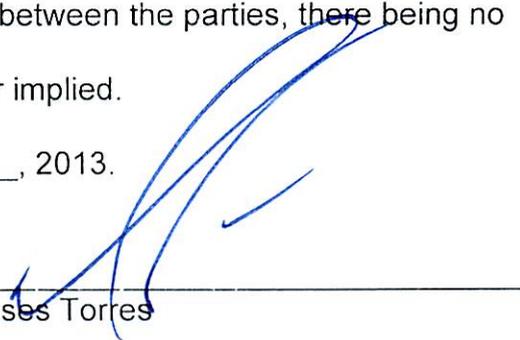
DATED at Bismarck, North Dakota, this 15 day of November, 2013.

  
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Adam Hamm  
Insurance Commissioner  
State of North Dakota

CONSENT TO ENTRY OF ORDER

The undersigned, **Moses Torres**, 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 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 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.

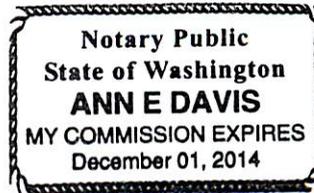
DATED this 5<sup>th</sup> day of November, 2013.

  
\_\_\_\_\_  
Moses Torres

Subscribed and sworn to before me this 5 day of November, 2013.

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

County of CLARK  
State of WASHINGTON



My commission expires: December 01, 2014