STATE OF NORTH DAKOTA

BEFORE THE INSURANCE COMMISSIONER

In the Matter of	)	
	)	
Bret Taylor Van Leeuwen,	)	**CONSENT ORDER**
NPN 35152,	)	
DOB 1/20/59,	)	**CASE NO. AG-11-330**
	)	
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 Bret Taylor Van Leeuwen, NPN 35152, DOB 1/20/59 ("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, 26.1-26-42(5) and 26.1-02.1-02.1.

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:

. . .

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. § 26.1-02.1-02.1(3)(a) states that:

A person convicted of a felony involving dishonesty or breach of trust may not participate in the business of insurance.

5. According to information obtained by the Department, Respondent pled guilty on June 20, 2011, in U.S. District Court for the District of Columbia to one count of felony insurance fraud in the second degree. Respondent was given a suspended sentence of six months of incarceration and was required to pay up to $995,000 as a civil monetary penalty. Respondent's conviction is a violation of N.D.C.C. §§ 26.1-02.1-02.1 and 26.1-26-42(5) and is grounds for revocation of Respondent's insurance producer license.

6. According to information obtained by the Department, Respondent voluntarily surrendered his resident insurance producer license in the State of Utah on May 25, 2011. 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. §§ 26.1-26-42.

7. 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.

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, Bret Taylor Van Leeuwen has agreed to enter into the following order.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Respondent Bret Taylor Van Leeuwen's individual 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 9th day of January, 2012.

Adam Hamm
Insurance Commissioner
State of North Dakota

CONSENT TO ENTRY OF ORDER

The undersigned, **Bret Taylor Van Leeuwen**, 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 2nd day of January, 2012.

Bret Taylor Van Leeuwen

Subscribed and sworn to before me

this 2 day of January, 2012

Notary Public

My commission expires: 9-9-2012

MELANIE ALLEN
NOTARY PUBLIC•STATE OF UTAH
COMMISSION# 576044
COMM. EXP. 09-09-2012