

**STATE OF NORTH DAKOTA**  
**BEFORE THE INSURANCE COMMISSIONER**

**In the Matter of**

**John Evenson,  
NPN 657072,**

**Respondent.**

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**AMENDED  
CONSENT ORDER  
CASE NO. AG-15-562**

**TO: John Evenson, North Country Insurance, P.O. Box 3, Edinberg, ND 58227**

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 John Evenson, NPN 657072 ("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 and 26.1-26-45.1(2).

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. § 26.1-26-45.1 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.

4. Respondent has been licensed as a resident insurance producer in North Dakota since May 29, 1987.

5. On or about June 29, 2015, Respondent applied to renew his North Dakota resident insurance producer license. A background investigation revealed that Respondent pled guilty to Actual Physical Control on May 4, 2015. This conviction should have been reported to the Department within 30 days and it was not. Respondent's failure to report a criminal conviction within 30 days is in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-25-45.1(2).

6. Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-15 and 26.1-26-45.1(2).

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, Respondent has agreed to enter into the following order.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Respondent's resident insurance producer license is hereby **MADE CONDITIONAL** for a period of 24 months effective upon the Commissioner's execution of this Order. After expiration of the conditional license period, the license will remain conditional for 61 days, allowing the Department to determine whether probation was completed successfully. If, at the end of the probationary period plus 61 days, there is no cause to terminate the license and all terms have been complied with, an unrestricted license will be issued.

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 20 days of the effective date of this Order.

3. During the time of the conditional license period, Respondent shall report to the Department within three business days after an action to collect money or a criminal charge is filed against him, and any further collection action, criminal charge, or criminal conviction in any jurisdiction except for minor traffic offenses.

4. Further, the Department may, during the conditional license period, revoke, suspend, or take such further action as may be deemed necessary against Respondent's insurance license without Notice of Hearing or the issuance of a Complaint if the Department receives a complaint from any source against the Respondent and after investigation of the merits of said complaint, notifies the Respondent that he has, in the Commissioner's opinion, violated the laws of the State of North Dakota. Respondent further agrees that any action taken against his license or in furtherance of this action is not appealable.

5. 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 <sup>20<sup>th</sup></sup> day of October, 2015.

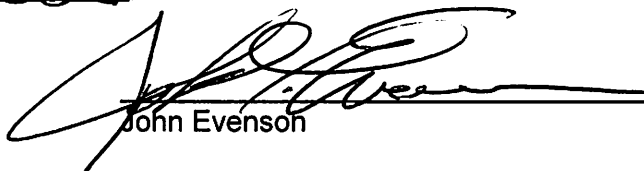
  
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Adam Hamm  
Insurance Commissioner  
State of North Dakota

#### CONSENT TO ENTRY OF ORDER

The undersigned, **John Evenson**, 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 14th day of October, 2015.

  
John Evenson

County of Walsh  
State of North

Subscribed and sworn to before me this 14th day of October, 2015.

  
Notary Public

My commission expires:

