STATE OF NORTH DAKOTA

BEFORE THE INSURANCE COMMISSIONER

In the Matter of	)	
	)	**CONSENT ORDER**
William Hathaway,	)	
NPN 650148,	)	**CASE NO. AG-15-588**
	)	
Respondent.	)	

TO: William Hathaway, by and through his attorney of record, Lynn M. Boughey, P.O. Box 836, Bismarck, ND 58502-0836

Insurance Commissioner Adam Hamm ("Commissioner") and Respondent William Hathaway hereby agree to the following final resolution of the above-referenced matter:

1. Respondent has held a North Dakota nonresident individual insurance producer license since June 25, 2007.

2. On or about December 22, 2015, Respondent submitted an application to renew his North Dakota nonresident insurance producer license. On that application, Respondent answered "yes" to background question two regarding administrative actions and provided supporting documentation via the NIPR Attachment Warehouse. Respondent disclosed to North Dakota and the other states to which he was licensed that a Consent Order in the State of Minnesota on May 2, 2011, in which a third person reported more continuing education credit hours than were actually received. The

Minnesota Consent Order resolved the underlying matter, and the other states raised no further objections.

3. Respondent was required to report the Minnesota administrative action within 30 days and failed to disclose the Minnesota administrative action on his renewal applications in both 2011 and 2013. Respondent's action of failing to report an administrative action within 30 days is in violation of N.D.C.C. § 26.1-26-45.1(1), and Respondent's action of failing to disclose an administrative action on a license application is in violation of N.D.C.C. § 26.1-26-42(1).

4. Respondent's actions are grounds for sanctions. A hearing was held on this matter by an administrative law judge who recommended dismissal of the complaint in its entirety. However, the Commissioner has the right to reject the recommendation of the administrative hearing officer, and if he does so, the Respondent has the right to appeal any such adverse decision by the Commissioner to the District Court and then the North Dakota Supreme Court.

5. The Commissioner and Respondent have agreed to informal disposition of this matter as provided under N.D.C.C. § 28-32-22. By signing this agreement, the Commissioner and the Respondent have decided to conclude the matter at this time and to waive any further proceedings.

6. The Respondent and the Department consider this a full resolution of this matter in North Dakota and the Commissioner specifically acknowledges that the underlying matter has been previously resolved by Minnesota and that the other states that have licensed the Respondent are aware of the underlying action and have decided not to take any action in regard to the underlying matter. As such, the resolution of this

matter is not intended to result in any further action by any other state to which the Respondent is licensed.

7. For purposes of resolving this matter without further administrative or court proceedings, the Commissioner and Respondent have agreed to enter into the following order as a binding agreement.

8. The parties agree that OAH File No. 20160094 will be dismissed.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. 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.

2. Respondent will continue to perform the insurance services that he presently performs and has been doing for 25 years, which is providing consultation to clients already represented by an insurance agent, to that agent or in the presence of that agent. Respondent and Commissioner agree that Respondent will retain his North Dakota nonresident insurance producer license; however, under that license, Respondent agrees that he will limit his activities as an insurance consultant, namely: offering advice, counsel, opinion, or service with respect to the benefits, advantages, or disadvantages promised under any insurance policy that could be issued in North Dakota, within the lines of insurance for which he is licensed. He will not be the agent of record or handle client funds as to North Dakota insureds.

3. The Commissioner understands that the Respondent is employed by a broker and does not collect premium payments from insureds. Respondent agrees that

if he collects some other form of payment or fee from a client, he will file a consultant agreement as required by N.D.C.C. § 26.1-26-35.

4. Respondent agrees to report this action to all other states in which he is licensed within 30 days of the effective date of this Order.

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 8th day of November, 2016.

Adam Hamm
Insurance Commissioner
State of North Dakota

CONSENT TO ENTRY OF ORDER

The undersigned, **William Hathaway**, 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 27th day of Oct., 2016.

William Hathaway

Subscribed and sworn to before me this 27 day of Oct, 2016.

Notary Public

County of Hennepin
State of Minnesota

My commission expires: 01/31/2020

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NOTARY PUBLIC - MINNESOTA
MY COMMISSION EXPIRES 01/31/2020