

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	
)	CONSENT ORDER
Erik Opdahl,)	
NPN 13437770,)	CASE NO. AG-15-571
)	
Respondent.)	

TO: Erik Opdahl, 1230 46th Avenue North, Fargo, ND 58102-5353

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 Erik Opdahl, NPN 13437770 (“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. § 26.1-26-42(6).

2. N.D.C.C. § 26.1-26-42(6) states:

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:

...

6. In the conduct of affairs under the license, the licensee has used fraudulent, coercive, or dishonest practices, or has shown oneself to be incompetent, untrustworthy or financially irresponsible.

3. N.D.C.C. § 26.1-26-50 provides:

In addition to or in lieu of any applicable denial, suspension, or revocation of a license, any person violating this chapter may, after hearing, be subject to a civil fine not to exceed ten thousand dollars for each violation. The fine may be collected and recovered in an action brought in the name of the state.

4. The Commissioner has come into information that evidences that on or about March 22, 2015, a client of Respondent purchased a Progressive Insurance commercial lines policy with cargo coverage. The client also required both state and federal filings.

5. The policy did not have cargo coverage and no federal filing was done.

6. On or about April 7, 2015, the client received a notice of investigation for revocation of authority from the United States Department of Transportation for failure to have the federal filing done. The client contacted Respondent on or about April 10, 2015, regarding the federal filing and was told that Respondent would take care of the issue.

7. On or about April 17, 2015, Respondent had the cargo coverage added. No federal filing was requested.

8. On or about May 11, 2015, the client received a decision from the United States Department of Transportation revoking his authority because the federal filing was never done. Client contacted Respondent on May 15, 2015, regarding the revocation and the federal filing was then done. Client paid a fee and had his authority reinstated.

9. Progressive Insurance Company provided evidence showing that Respondent did not request the federal filing on behalf of the client. Respondent failed to present evidence to the contrary.

10. Respondent's failure to have the required federal filing done on behalf of the client, resulting in the revocation of client's federal authority, violates N.D.C.C. § 26.1-26-42(6).

11. Respondent acknowledges that at the time of signing this Consent to Entry of Order, he is aware of or has been advised of his 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.

12. Respondent has agreed to informal disposition of this matter, without a hearing, as specifically set forth in this Order.

13. There are no covenants, promises, undertakings or understandings other than as specifically set forth in this Order.

14. Respondent consents to the Commissioner's continuing jurisdiction over him regarding any issues which may subsequently arise related to Respondent's activities.

15. For purposes of resolving this matter without further administrative proceedings, Respondent and the Commissioner have agreed to enter into the following Order.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Respondent agrees to pay a fine in the amount of \$250 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. The use of this Consent Order for competitive purposes by an insurance agent 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 17th day of November, 2015.



Adam Hamm
Insurance Commissioner
State of North Dakota

CONSENT TO ENTRY OF ORDER

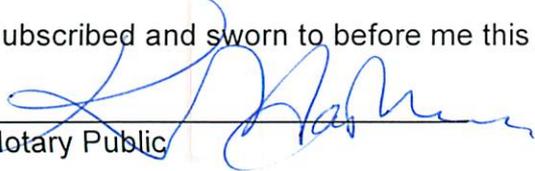
The undersigned, Erik Opdahl, states that he has read the foregoing Consent Order, that he knows and fully understands its contents and effect; that he has been advised of the right to a hearing in this matter, the right to be represented by legal counsel, the right to present evidence and arguments 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 11 day of November, 2015.


Erik Opdahl

County of Cass
State of ND

Subscribed and sworn to before me this 11 day of November, 2015.


Notary Public

My commission expires:

