STATE OF NORTH DAKOTA

BEFORE THE INSURANCE COMMISSIONER

In the Matter of	)	
	)	**CONSENT ORDER**
Joshua Peterka,	)	
NPN 11800786,	)	**CASE NO. AG-15-553**
	)	
Respondent.	)	

TO: Joshua Peterka, 860 West 12th Street, Grafton, ND 58237

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 Joshua Peterka, NPN 11800786 ("Respondent"), the Commissioner has considered scheduling a formal hearing to determine whet 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, in part:

26.1-26-45.1. Reporting of actions.

. . .

> 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 October 2, 2008.

5. According to information received by the Department, on or about March 12, 2015, Respondent pled guilty to a Class A misdemeanor of Attempt to Possess a Controlled Substance, Hydrocodone. Respondent was initially charged with a Class C felony. The conviction should have been reported to the Department by April 12, 2015, and it was not. Respondent's failure to report a criminal conviction within 30 days is a violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-45.1(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 agrees to pay a fine in the amount of $900 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 agrees to issuance by the Commissioner of a conditional license for a period of two years.

3. The Department may, during the two-year 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.

4. 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 5th day of November, 2015.

Adam Hamm
Insurance Commissioner
State of North Dakota

CONSENT TO ENTRY OF ORDER

The undersigned, **Joshua Peterka**, 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 23rd day of October, 2015.

Joshua Peterka

County of Walsh
State of North Dakota

Subscribed and sworn to before me this 23 day of Oct., 2015.

Notary Public

My commission expires: July 15, 2020

JOHN P. DUSEK
Notary Public
State of North Dakota
My Commission Expires July 15, 2020