

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	
)	CONSENT ORDER
Desiree Wendell,)	
NPN 9699350,)	CASE NO. AG-16-615
)	
Respondent.)	

TO: Desiree Wendell, 40771 Fenian Way, North Branch, MN 55056

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 Desiree Wendell, NPN 9699350 (“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(1) and (6), and 26.1-26-45.1(1).

2. N.D.C.C. § 26.1-26-15 requires that an applicant for a 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. § 26.1-26-42 states, in part:

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:

1. A materially untrue statement in the license application.

...

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.

4. Respondent has held a North Dakota nonresident individual insurance producer license since December 17, 2013.

5. On or about December 17, 2013, Respondent submitted an application to obtain a North Dakota nonresident insurance producer license. On that application, Respondent answered "no" to background question two regarding whether she had ever been named or involved as a party in an administrative proceeding. A background investigation conducted at the time Respondent submitted her renewal application in March 2016 revealed that on or about October 25, 2010, Respondent had an administrative action taken against her by the State of Minnesota for falsifying continuing education credit hours in order to obtain her renewal license in Minnesota. Respondent's failure to disclose this administrative action on her original December 2013 license application is a violation of N.D.C.C. § 26.1-26-42(1) and also indicates Respondent is not trustworthy as is required under N.D.C.C. § 26.1-26-15. In addition, Respondent's actions that led to the Minnesota administrative action are a violation of N.D.C.C. § 26.1-26-42(6).

6. Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(1) and (6) and are grounds for revocation of Respondent's insurance producer license.

7. Respondent acknowledges that at the time of signing the Consent to Entry of Order, she 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.

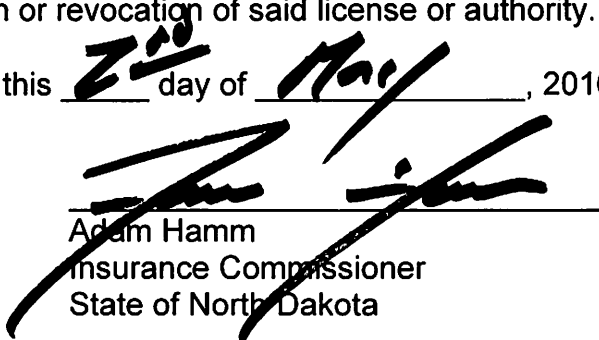
8. Respondent has agreed to informal disposition of this matter, without a hearing, as provided under N.D.C.C. § 28-32-22.

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 nonresident 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 22nd day of May, 2016.



Adam Hamm
Insurance Commissioner
State of North Dakota

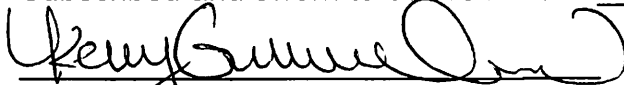
CONSENT TO ENTRY OF ORDER

The undersigned, **Desiree Wendell**, states that she has read the foregoing Consent Order, that she knows and fully understands its contents and effect; that she 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 she 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 20th day of April, 2016.


Desiree Wendell

Subscribed and sworn to before me this 20th day of April, 2016.


Notary Public

County of Chisago
State of Minnesota

My commission expires: Jan, 31, 2021

