

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	
)	CONSENT ORDER
Tracey Brown,)	
NPN 17138087,)	CASE NO. AG-17-718
)	
Respondent.)	

TO: Tracey Brown, 967 East Desert Holly Drive, San Tan Valley, AZ 85143-4965

Insurance Commissioner Jon Godfread (“Commissioner”) has determined as follows:

1. As a result of information obtained by the North Dakota Insurance Department (“Department”) regarding the conduct of Tracey Brown, NPN 17138087 (“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(1) and 26.1-26-45.1(1).

2. N.D.C.C. § 26.1-26-42 states, in part:

26.1-26-42. License suspension, revocation, or refusal – Grounds. 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.
3. N.D.C.C. § 26.1-26-45.1 states, in part:

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.
4. Respondent has been licensed as a nonresident insurance producer in North Dakota since September 29, 2014.
5. On or about March 10, 2017, Respondent submitted an application to renew her nonresident insurance producer license in North Dakota. Respondent answered "no" to background question two relating to being named or involved as a party in an administrative proceeding regarding any professional or occupational license or registration. A background investigation revealed that on or about December 26, 2016, Wisconsin took administrative action against Respondent by revoking her producer license due to delinquent state tax. The Wisconsin administrative action should have been reported to North Dakota by January 26, 2017, and it was never reported. Also, the Wisconsin administrative action should have been disclosed on Respondent's current renewal application and it was not. Respondent's failure to report an administrative action within 30 days and failing to disclose the administrative action on an application is in violation of N.D.C.C. §§ 26.1-26-42(1) and 26.1-26-45.1(1).
6. Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-42(1) and 26.1-26-45.1(1).

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 agrees to pay a fine in the amount of \$300 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 20th day of September, 2017.



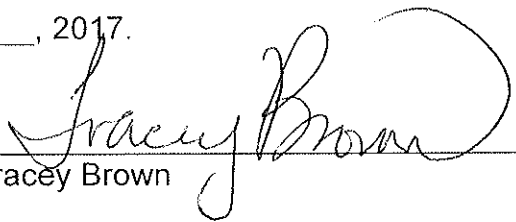
Jon Godfread
Insurance Commissioner
State of North Dakota

CONSENT TO ENTRY OF ORDER

The undersigned, **Tracey Brown**, states that she has read the foregoing Consent Order, that she knows and fully understands its contents and effect; that she

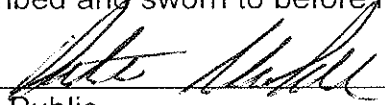
has been advised of the right to a hearing in this matter, the right to be represented by legal counsel, the right to present evidence and arguments to the Commissioner, and the right to appeal from an adverse determination after hearing; and that by the signing of this Consent to Entry of Order she 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 Sep day of 12, 2017.


Tracey Brown

County of Maricopa
State of Arizona

Subscribed and sworn to before me this Sep day of 12th, 2017.


Notary Public

My commission expires: 06/06/2021

