

**STATE OF NORTH DAKOTA**  
**BEFORE THE INSURANCE COMMISSIONER**

<b>In the Matter of</b>	)	
	)	<b>CONSENT ORDER</b>
<b>Rebecca Rice,</b>	)	
<b>NPN 1655105,</b>	)	<b>CASE NO. AG-17-748</b>
	)	
<b>Respondent.</b>	)	

**TO: Rebecca Rice; 17709 Cantrell Rd Little Rock, AR 72223-4684**

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 Rebecca Rice, NPN 1655105 ("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, the Respondent's conduct is alleged to be in violation of N.D.C.C. § 26.1-26-42.

2. N.D.C.C. §26.1-26-42 (6) states:

**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: (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. Respondent has been licensed as a nonresident insurance producer in North Dakota since June 8, 2009.

4. Respondent set up an "income for life" life insurance plan for the complainant, Bret Mayo, with Ameritas in 2013. In 2016, she indicated that she believed the policy would MEC before it was ten years old. Respondent contacted Complainant and asked if he would be interested in moving his policy to Mass Mutual to avoid the MEC. When asked if there would be any transfer fees or if complainant would be assessed any cost by moving this policy, respondent assured him that there would not be and it was a "no brainer" to move his plan to Mass Mutual.

Complainant noticed that the amount rolled over into the Mass Mutual Account was less than the amount that was in the Ameritas account. When he asked Respondent, she told him that not all of the money had been rolled over yet and it should be accurate in 3 weeks. That was later determined to be inaccurate. Mass Mutual had a 7.5% sales charge associated this transaction. Respondent did not inform Complainant of that charge.

Additionally, according to the information obtained from Ameritas, the second page of the complainant's policy illustration states "As illustrated, this policy will not become a Modified Endowment Contract (MEC) as defined by Section 7702(A) of the internal Revenue Code."

5. Respondent's actions constitute a violation of N.D.C.C. § 26.1-26-42.

6. 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.

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

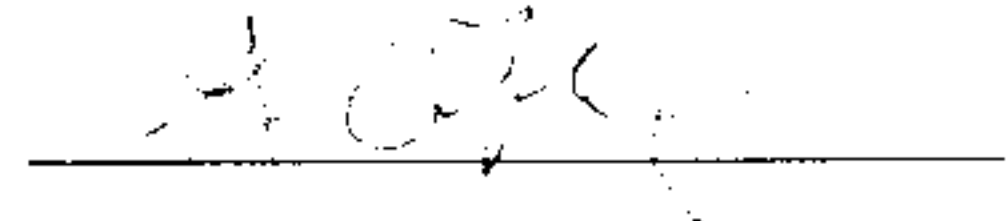
8. For purposes of resolving this matter without further administrative proceedings, Respondent has agreed to enter into the following order.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Respondent agrees to pay a fine in the amount of \$2,500 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 agrees that the Department may, during the two-year conditional license period and the 61-day review period allowed under paragraph 1, 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 Respondent and, after investigation of the merits of said complaint, notifies the Respondent that Respondent has, in the Commissioner's opinion, violated the laws of the State of North Dakota. Respondent further agrees that any action taken against Respondent's license or in furtherance of this action is not appealable.

3. 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 29<sup>th</sup> day of January, 2017.



Jon Godfread  
Insurance Commissioner  
State of North Dakota

CONSENT TO ENTRY OF ORDER

The undersigned, **Rebecca Rice**, states that he 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 10<sup>th</sup> day of January, ~~2017~~. 2018

Rebecca Rice  
Rebecca Rice

County of Pulaski

State of Arkansas

Subscribed and sworn to before me this 10<sup>th</sup> day of January, ~~2017~~. 2018

Sandra J. Elliott  
Notary Public

My commission expires: 3/14/27

