

STATE OF NORTH DAKOTA  
BEFORE THE INSURANCE COMMISSIONER

In the Matter of	)	
	)	CONSENT ORDER
Thomas A. Mulligan,	)	
NPN 1987027,	)	CASE NO. AG-17-708
	)	
Respondent.	)	

TO: Thomas A. Mulligan, P.O. Box 906, Farmingdale, NJ 07727-0906

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 Thomas A. Mulligan, NPN 1987027 (“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 June 11, 2012.

5. On or about November 10, 2016, Respondent submitted an application to renew his 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 August 31, 2016, Louisiana took administrative action against Respondent by issuing a \$250 fine for failing to timely file a surplus lines tax report. The Louisiana administrative action should have been reported to North Dakota by September 30, 2016, and it was never reported. Also, the Louisiana 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, 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 \$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 2<sup>nd</sup> day of March, 2017.



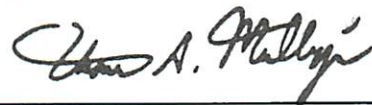
Jon Godfread  
Insurance Commissioner  
State of North Dakota

CONSENT TO ENTRY OF ORDER

The undersigned, **Thomas A. Mulligan**, 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 21 day of FEBRUARY, 2017.



\_\_\_\_\_  
Thomas A. Mulligan

County of MONMOUTH  
State of NEW JERSEY

Subscribed and sworn to before me this 21 day of FEBRUARY, 2017.



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Notary Public

My commission expires:

LINDA ANN SKOWRONSKI  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires 9/6/2017