

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	
)	
Derle Marchus,)	CONSENT ORDER
NPN 5739456,)	
)	
Respondent.)	CASE NO. AG-14-482

Commissioner of Insurance Adam Hamm (“Commissioner”) has determined as follows:

1. Derle Marchus, NPN 5739456 (“Respondent”), is presently and has been at all relevant times a licensed resident North Dakota bail bond agent pursuant to N.D.C.C. ch. 26.1-26.6.

2. N.D.C.C. ch. 26.1-26.6 governs the qualifications and procedures for the licensing of bail bond agents in the State of North Dakota.

3. N.D.C.C. § 26.1-26.6-05(1) provides that the Commissioner may suspend any license issued under N.D.C.C. ch. 26.1-26.6 if, after notice to the licensee and hearing, the Commissioner finds as to the licensee any of the following conditions:

j. Failing to pay any forfeiture as directed by a court and as required by this chapter.

4. On or about July 4, 2013, Respondent wrote a \$400 appearance bail bond for Defendant S.T.A. in Bismarck Municipal Court Case No. BI-2013-CR-2227 (“S.T.A. bond”). S.T.A. failed to appear at his scheduled court appearance on July 8, 2013.

5. By letter dated July 10, 2013, the clerk of Bismarck Municipal Court wrote to Respondent that S.T.A. had failed to appear, that a warrant had been issued for S.T.A.'s arrest, reciting the \$400 bond, and further stating that "the City is entitled to that money because the defendant failed to appear."

6. By letter dated August 20, 2013, Bismarck Municipal Judge William Severin wrote to Respondent, "The Municipal Court declares the bail bond forfeited and that the cash must be delivered immediately to Municipal Court."

7. Respondent has not made any payment of the forfeited bond to Bismarck Municipal Court. Respondent has not made any motion to Bismarck Municipal Court to have the forfeiture set aside under Rule 46(f)(2), N.D.R.Crim.P.

8. Respondent's failure to pay the forfeiture of S.T.A.'s bond as directed by Bismarck Municipal Court is a violation of N.D.C.C. § 26.1-26.6-05(1)(j).

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

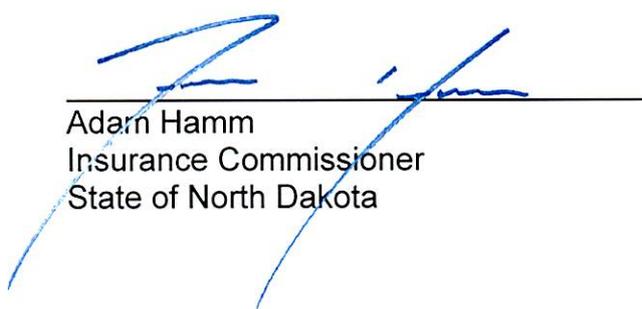
1. Respondent's license is **MADE CONDITIONAL** for 24 months effective upon the Commissioner's execution of this Order. Respondent agrees that his license will be immediately revoked if he fails to cooperate with the Department, fails to act in a trustworthy or financially responsible manner, violates any insurance laws, or violates any condition of this Consent Order, which includes failure to pay any forfeiture as directed by a court and as required by N.D.C.C. ch. 26.1-26.6. Respondent agrees that if his license is revoked pursuant to this Consent Order, he will not be entitled to notice or a hearing or to require that the Commissioner's decision contain a statement of findings of fact or conclusions of law, or to make any appeal of the revocation order.

2. Respondent agrees to pay the \$400 forfeited bond by any means accepted by Bismarck Municipal Court to the Bismarck Municipal Court within five business days of the effective date of this Order.

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.

4. This Consent Order becomes effective on the date of signature by the Commissioner.

DATED at Bismarck, North Dakota, this 23 day of September, 2014.



Adam Hamm
Insurance Commissioner
State of North Dakota

CONSENT TO ENTRY OF ORDER

The undersigned, **Derle Marchus**, 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 his right to a hearing in this matter, his right to be represented by legal counsel, his right to present evidence and arguments to the Commissioner, and his 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 of Insurance. It is further expressly understood that

this Order constitutes the entire settlement agreement between the parties hereto, there being no other promises or agreements, either expressed or implied.

DATED this 15 day of Sept, 2014.

Derle Marchus
Derle Marchus

Subscribed and sworn to before me this 15th day of September, 2014.

Steven Balaban
Notary Public

State of North Dakota
County of Burleigh

My commission expires: Nov 15, 2019

