STATE OF NORTH DAKOTA

BEFORE THE INSURANCE COMMISSIONER

In the Matter of	)	
	)	**CONSENT ORDER**
Edward Burns,	)	
NPN 8285102,	)	**CASE NO. AG-16-620**
	)	
Respondent.	)	

TO: Edward Burns, 5151 San Felipe, Suite 700, Houston, TX 77056

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 Edward Burns, NPN 8285102 ("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 26.1-26-45.1(1).

2. N.D.C.C. § 26.1-26-15 requires that an applicant for any 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.

4. 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.

5. On or about February 17, 2016, Respondent submitted an application to renew a nonresident surplus lines producer license. On the renewal application, Respondent answered "no" to background question two relating to ever being named or involved as a party in an administrative proceeding regarding any professional or occupational license or registration. During a review of the application, it was discovered that on or about June 18, 2015, Virginia revoked Respondent's producer license for failing to timely file an Annual Maintenance Assessment Report. The Virginia administrative action should have been reported to North Dakota within 30 days and it was not. The Virginia administrative action should have also been disclosed on Respondent's renewal application and it was not. Respondent's failure to report an administrative action within 30 days and to disclose an administrative action on a renewal application is in violation of N.D.C.C. §§ 26.1-26-15, 26.1-26-42(1), and 26.1-26-45.1(1).

6. On or about October 7, 2015, Delaware fined Respondent $500 for failing to disclose the Virginia administrative action on an application. The Delaware administrative action should have been reported to North Dakota within 30 days and it was not. The Delaware administrative action should have also been disclosed on Respondent's renewal application and it was not. Respondent's failure to report an administrative action within 30

days and to disclose an administrative action on a renewal application is in violation of N.D.C.C. §§ 26.1-26-15, 26.1-26-42(1), and 26.1-26-45.1(1).

7. Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42(1), and 26.1-26-45.1(1).

8. 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.

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

10. 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 $400 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 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 6th day of July, 2016.

Adam Hamm
Insurance Commissioner
State of North Dakota

CONSENT TO ENTRY OF ORDER

The undersigned, **Edward Burns**, 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 23rd day of June, 2016.

Edward Burns

County of HARRIS
State of TEXAS

Subscribed and sworn to before me this 23rd day of JUNE, 2016.

Kauntey Patel
Notary Public

My commission expires: 12/10/2019

KAUNTEY PATEL
MY COMMISSION EXPIRES
DECEMBER 10, 2019
NOTARY ID: 130466020

6/23/2016