

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	
)	
Alan R. Henning,)	
NPN 5741494,)	CEASE AND DESIST ORDER
DOB 5/19/53, and)	AND NOTICE OF
)	OPPORTUNITY FOR HEARING
Henning Insurance Agency)	
300 Third Avenue SW, Suite C1)	CASE NO. AG-10-287
Minot, ND 58701,)	
)	
Respondents.)	

**TO: Alan R. Henning, 6720 18th Avenue NW, Minot, ND 58703; and to
Henning Insurance Agency, 300 Third Avenue SW, Suite C1, Minot, ND
58701**

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

1. N.D.C.C. § 26.1-01-03.1 authorizes the Commissioner to issue an Order to cease and desist when it appears that any person or business entity is or has engaged in an act or practice which violates or may lead to a violation of the North Dakota Century Code.
2. N.D.C.C. Chapter 26.1-26 regulates the licensing of insurance producers.
3. Alan R. Henning, NPN 5741494, DOB 5/19/53 (“Respondent”), is presently and has been at all times pertinent to this action a licensed North Dakota

resident insurance producer. Respondent operates Henning Insurance Agency which is located at 300 Third Avenue SW, Suite C1, Minot, ND 58701.

4. N.D.C.C. § 26.1-26-15 states:

An applicant for any license under this chapter must be deemed by the commissioner to be competent, trustworthy, financially responsible, and of good personal and business reputation.

5. 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:

...

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.

...

10. An improper withholding of, misappropriating of, or converting to one's own use any moneys belonging to policyholders, insurers, beneficiaries, or others received in the course of one's insurance business.

6. N.D.C.C. § 26.1-02.1-02.1 states, in part:

A person may not commit a fraudulent insurance act.

7. The Commissioner has come into information which alleges that

Respondent has knowingly and intentionally engaged in deceitful and dishonest practices against residents of the State of North Dakota by improperly taking money belonging to his employer, an insurance company, and converting it to his own use. By

these actions, Respondent has shown himself incompetent, untrustworthy, or financially irresponsible in the conduct of affairs under the license.

8. Respondent was employed as the General Manager of a county mutual insurance company. During his employment, Respondent obtained unauthorized loans in the name of his employer and converted the funds to his personal use. Respondent obtained unauthorized loans totaling approximately \$140,000 against the assets of the insurance company. He also wrote unauthorized checks to himself from the company's account in the amount of approximately \$660,000 and he removed records from the office in an attempt to conceal his actions.

9. Respondent's actions of taking money from his employer and applying it to his own use is in violation of N.D.C.C. §§ 26.1-02.1-02.1, 26.1-26-15 and 26.1-26-42(6) and (10).

NOW, THEREFORE, IT IS HEREBY ORDERED pursuant to N.D.C.C. § 26.1-01-03.1 that Respondent, whether acting in the State of North Dakota as an insurer, a risk retention group, a purchasing group, an insurance producer, a business entity, or otherwise engaging in the business of insurance, either directly or indirectly through named and unnamed persons, entities, agents, or otherwise, shall immediately **CEASE AND DESIST** from soliciting, transacting, or otherwise engaging in the business of insurance.

IT IS FURTHER ORDERED pursuant to N.D.C.C. § 26.1-01-03.1 that Respondent may make a written request for a hearing on this matter within 30 days of the date of this Order.

If the Respondent fails to request a hearing in writing within 30 days after being served with a copy of this Cease and Desist Order, the Commissioner shall make the Cease and Desist Order permanent, as the facts require.

DATED this 4th day of November, 2010.



Adam Hamm
Commissioner
North Dakota Insurance Department
600 East Boulevard Avenue, Dept. 401
Bismarck, ND 58505
(701) 328-2440