

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	
)	
The Medicare Agency, LLC,)	CEASE AND DESIST ORDER
The Founders, LLC,)	AND NOTICE OF
ADN Insurance Services, LLC,)	OPPORTUNITY FOR HEARING
ADN Wealth Management Group,)	
Jason "Jay" Fettig, Danny Weigand,)	
Joe Vadnais, and Other Unknown)	CASE NO. CO-10-267
Persons,)	
)	
Respondents.)	

TO: The Medicare Agency, LLC, and its President Jason Fettig, a/k/a Jay Fettig, and its Regional Account Director, Danny Weigand, 107 West Main Avenue, Suite 200, Bismarck, ND 58501

The Founders, LLC, and its owners Danny Weigand, Joe Vadnais, and other unknown persons who may be owners, 107 West Main Avenue, Suite 200, Bismarck, ND 58501

ADN Insurance Services, LLC and its owners, 107 West Main Avenue, Suite 200, Bismarck, ND 58501

ADN Wealth Management Group and its owners, 107 West Main Avenue, Suite 200, Bismarck, ND 58501

Commissioner of Insurance 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. § 26.1-26-13.3 prohibits any individual or business entity from acting as an insurance producer without first obtaining an insurance producer license from the Commissioner.

3. N.D.C.C. § 26.1-02-06 states:

Any of the following acts in this state effected by mail or otherwise by or on behalf of an unauthorized insurance company constitutes the transaction of an insurance business in this state:

...

3. Taking or receiving of any application for insurance.
4. Receiving or collecting any premium, commission, membership fees, assessments, dues, or other consideration for any insurance or any part thereof.
5. Issuing or delivering an insurance contract to residents of this state or to persons authorized to do business in this state.
6. Directly or indirectly acting as an insurance producer for or otherwise representing or aiding on behalf of another, any person or insurance company in the solicitation, negotiation, procurement, or effectuation of insurance or renewals thereof or in the dissemination of information as to coverage or rates, or forwarding of applications, or delivery of policies or contracts, or inspection of risks, or fixing of rates, or investigation or adjustment of claims or losses, or in the transaction of matters subsequent to effectuation of the contract and arising out of it, or in any other manner representing or assisting a person or insurance company in the transaction of insurance with respect to subjects of insurance resident, located, or to be performed, in this state. This subsection does not prohibit full-time salaried employees of a corporate insured from acting in the capacity of an insurance manager or buyer in placing insurance on behalf of the employer.
7. Transacting any kind of insurance business specifically recognized as transacting an insurance business within the meaning of the statutes relating to

insurance.

8. Transacting or proposing to transact any insurance business in substance equivalent to any of the foregoing in a manner designed to evade these statutes.

4. N.D.C.C. Chapter 26.1-26 governs the qualifications and procedures for the licensing of insurance producers, including business entities, within the State of North Dakota.

5. N.D.C.C. § 26.1-26-02 defines “insurance producer” as a person required to be licensed under the laws of this state to sell, solicit, or negotiate insurance and it defines “business entity” as a corporation, association, partnership, limited liability company, limited liability partnership, or other legal entity.

6. N.D.C.C. § 26.1-26-03 states:

No person may act as or hold oneself out to be an insurance producer, insurance consultant, or surplus lines insurance producer unless licensed under this chapter. A person may not sell, solicit, or negotiate insurance in this state for any class of insurance unless the person is licensed for that line of authority in accordance with this chapter. Any person willfully violating this section is guilty of a class C felony.

7. The Medicare Agency, LLC, The Founders, LLC, ADN Insurance Services, LLC, ADN Wealth Management Group, Jason “Jay” Fettig, Danny Weigand, Joe Vadnais, and Other Unknown Persons (“Respondents”) are not licensed, authorized, or registered to transact insurance business in this state as a business entity pursuant to N.D.C.C. Chapter 26.1-26.

8. Respondents directly and indirectly have acted or proposed to act as business entity insurance producers in the solicitation, negotiation, procurement, or effectuation of insurance without the required licenses. The Respondents held themselves out as business entity insurance producers and have sold or attempted to

sell Medicare supplement insurance policies at least since November 2009 to the public without the required licenses. This conduct constitutes violations of N.D.C.C. § 26.1-02-06 and the requirements of Chapter 26.1-26.

9. On January 8, 2010, Respondents Fettig and Weigand submitted an application on behalf of The Medicare Agency, LLC, for a business entity insurance producer license to the Department. Fettig and Weigand listed themselves as the owners of The Medicare Agency, LLC. That application was withdrawn by Weigand on February 24, 2010, before action was taken by the Department.

10. On February 10, 2010, Respondent Weigand submitted an application to the Department on behalf of The Founders, LLC, doing business as ADN Insurance Services, LLC, for a business entity insurance producer license. Weigand listed himself as "partner" of The Founders, LLC. In a follow-up telephone conversation with a Department employee, Weigand stated that he is the owner of 95% of The Founders, LLC, and Respondent Joe Vadnais owns the remaining 5%. This application has not been approved by the Department and is still pending.

11. On February 22, 2010, a Department employee called the telephone number listed in both applications as the business telephone number for The Medicare Agency, LLC, and for The Founders, LLC, d/b/a ADN Insurance Services. The telephone was answered with the greeting "The Medicare Agency." Later that same day, the same telephone number was answered with the greeting "ADN Insurance Services."

12. In the afternoon of March 3, 2010, the same telephone number was called and it was again was answered with the greeting "ADN Insurance Services."

13. In the morning of March 4, 2010, the same telephone was called and

again it was answered with the greeting “ADN Insurance Services.” When asked to repeat the greeting, the person answering the phone again said “ADN Insurance Services”. When the caller asked if any agents were available, the person answering the phone stated “the two main guys are out.”

A call later that day to the same number resulted in the caller being transferred to an agent who stated that “we” sell Medicare Supplement insurance and that they have four individuals in the office who do so.

14. Respondents’ application for a business entity license for The Founders, LLC, lists the business email address as: DannyW@THEMEDICAREAGENCY.COM.

15. Several websites refer to “The Medicare Agency” and indicate that Respondent Weigand is the “partner” or the “Senior Account Manager”. One website states that The Medicare Agency is “Your Medicare Experts. Specializing in Medicare Supplement, LTC, Life, Final Expense Insurance and Fixed/Indexed Annuities.” The domain name “themedicareagency.com” is registered to ADN Wealth Management Group.

16. No license has been issued by the Department to any of the Respondents to operate as a business entity insurance producer.

NOW, THEREFORE, IT IS HEREBY ORDERED pursuant to N.D.C.C. § 26.1-01-03.1 that Respondents, whether acting in the State of North Dakota as an insurance producer, 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 with residents of the State of North Dakota as a business entity, including but not limited to acting or holding itself out to be a business entity insurance producer

in this state.

IT IS FURTHER ORDERED pursuant to N.D.C.C. § 26.1-01-03.1 that Respondents 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 10th day of March 2010.



Adam Hamm
Commissioner
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