

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	
)	CONSENT ORDER
William Carmichael,)	
NPN 817394,)	CASE NO. AG-15-549
)	
Respondent.)	

TO: William Carmichael, 7960 North Pennsylvania Street, Indianapolis, IN 46240-2533

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 William Carmichael, NPN 817394 (“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 and 26.1-26-45.1.

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. § 26.1-26-45.1(1) states:

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 August 11, 2004.

5. On or about June 8, 2015, Respondent submitted an application to renew a nonresident insurance producer license. During a review of the application, it was discovered that on or about December 1, 2006, Virginia took administrative action against Underwriters Surety, Inc. Respondent is president of Underwriters Surety, Inc. and the agency violated Virginia law by acting as an agency and receiving commissions without being properly licensed and was fined \$2,500. The Virginia administrative action should have been reported to the Department by January 1, 2007, and it was not. Respondent's failure to report an administrative action within 30 days is a violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-45.1(1).

6. During a review of Respondent's renewal application, it was discovered that on or about October 11, 2007, Vermont took administrative action against Underwriters Surety, Inc., for failing to disclose the Virginia action on the agency application and was fined \$500. The Vermont administrative action should have been reported to the Department within 30 days and it was not. Respondent's failure to report an administrative action within 30 days is a violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-45.1(1).

7. Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-15 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 \$200 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 17th day of August, 2015.



Adam Hamm
Insurance Commissioner
State of North Dakota

CONSENT TO ENTRY OF ORDER

The undersigned, **William Carmichael**, 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 31 day of July, 2015.



William Carmichael

County of Indiana
State of Hamilton

Subscribed and sworn to before me this 31 day of July, 2015.



Notary Public Heidi Jeffs
Resident of Boone County, IN

My commission expires: December 12, 2017

