

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	
)	CONSENT ORDER
Robert Christian,)	
NPN 17027791,)	CASE NO. AG-14-468
)	
Respondent.)	

TO: Robert Christian, 718 West Eighth Street, Unit 2, Sioux Falls, SD 57104

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 Robert Christian, NPN 17027791 ("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. §§ 26.1-02.1-02.1(3)(a), 26.1-26-15 and 26.1-26-42(1), (2), (4), (5) and (6).

2. N.D.C.C. § 26.1-02.1-02.1(3)(a) states:

A person convicted of a felony involving dishonesty or breach of trust may not participate in the business of insurance.

3. N.D.C.C. § 26.1-26-15 requires that an applicant for a license must be deemed by the Commissioner to be competent, trustworthy, financially responsible, and of good personal and business reputation.

4. 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.
2. An acquisition or attempt to acquire a license through misrepresentation or fraud.
- ...
4. Any cause for which issuance of the license could have been refused had it then existed and been known to the commissioner at the time of issuance.
5. The applicant or licensee has been convicted of a felony or convicted of an offense, as defined by section 12.1-01-04, determined by the commissioner to have a direct bearing upon a person's ability to serve the public as an insurance producer, insurance consultant, or surplus lines insurance producer, or the commissioner finds, after conviction of an offense, that the person is not sufficiently rehabilitated under section 12.1-33-02.1.
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.

5. On Respondent's initial insurance producer application, in response to background question number one in the application regarding whether Respondent had ever been convicted of a crime or had a judgment withheld or deferred, he answered "yes" and provided documentation relating to an Issuing a Bad Check conviction that was dismissed in 2012. A review of court records at that time revealed no additional

convictions. Respondent was granted a nonresident insurance producer license on December 19, 2013.

6. On or about February 18, 2014, the Department received notification from Esurance that Respondent had received an 18 U.S.C. 1033 waiver from the State of South Dakota to engage in the business of insurance. Respondent had disclosed that in 1988 he was convicted of felony Theft. Because the federal law is applicable to any felony involving dishonesty or breach of trust, the felony requires a waiver to work or continue working in the business of insurance.

7. During a review of court records and other information provided to the Department, it was revealed that Respondent was convicted of the following additional crimes which he did not disclose on his initial application:

1/21/88	Two convictions for felony Possession of Stolen Property and served two six-month sentences to run concurrently
10/3/97	Breach of Trust (money taken from employer), misdemeanor
10/27/97	Breach of Trust (money taken from employer), misdemeanor
10/27/97	Giving False Information to Police, misdemeanor

8. By his actions of failing to disclose all criminal convictions, Respondent made a materially untrue statement in his license application in an attempt to acquire a license through misrepresentation or fraud and has shown himself to be untrustworthy, financially irresponsible, and not of good personal reputation. This conduct constitutes a violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(1), (2), and (6).

9. The failure to disclose all criminal convictions was a material misrepresentation because the license would have been denied had the violations been properly disclosed. Respondent's license is properly revoked now because issuance of the license would have been refused had the criminal convictions been known to the Commissioner at the time of issuance. N.D.C.C. § 26.1-26-42(4).

10. The Respondent has been convicted of offenses that have a direct bearing on a person's ability to serve the public as an insurance producer. This conduct constitutes grounds for revocation of Respondent's license pursuant to N.D.C.C. §§ 26.1-02.1-02.1(3)(a) and 26.1-26-42(5).

11. Respondent's actions constitute violations of N.D.C.C. §§ 26.1-02.1-02.1, 26.1-26-15, and 26.1-26-42(1), (2), (4), (5), and (6) and are grounds for revocation of Respondent's insurance producer license.

12. 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.

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

14. 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's nonresident insurance producer license is hereby **REVOKED** effective upon the Commissioner's execution of this Order.
2. No administrative fine or other civil penalty is imposed.
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.

DATED at Bismarck, North Dakota, this 28 day of May, 2014.


Adam Hamm
Insurance Commissioner
State of North Dakota

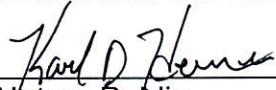
CONSENT TO ENTRY OF ORDER

The undersigned, **Robert Christian**, 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 21 day of MAY, 2014.


Robert Christian

Subscribed and sworn to before me this 21 day of MAY, 2014.


Notary Public

County of Lincoln
State of South Dakota

My commission expires:
October 16th 2018

