

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)
)
Josh Cook,) CONSENT ORDER
NPN 15737735,)
) CASE NO. AG-14-630
Respondent.)

TO: Josh Cook, 2547 Fourth Street West, #307, Dickinson, ND 58601

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 Josh Cook, NPN 15737735 (“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, 26.1-26-33, and 26.1-26-42(1).

2. 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.

3. N.D.C.C. § 26.1-26-42 states, in part:

26.1-26-42. License suspension, revocation, or refusal – Grounds. 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.-26-33 states:

26.1-26-33. Notification of address change – Duty of licensee. Every licensee shall notify the commissioner of any change in the licensee's residential or business address or legal name within thirty days of the change. Any licensee who ceases to maintain residency in this state shall deliver the insurance license to the commissioner by personal delivery or by mail within thirty days after terminating residency.

5. On or about June 25, 2014, Respondent contacted the Department stating he received notification from Liberty Bankers Life Insurance Company that his license expired at the end of April 2014. Respondent stated he never received a renewal notice. Renewal notices are sent 90 days prior to the license expiration to the Respondent's mailing address on record. Respondent explained that he had been living at a new address since May 2013. Pursuant to N.D.C.C. § 26.1-26-33, every licensee shall notify the commissioner of any change in the licensee's address within 30 days of the change. Respondent's failure to notify the Department of an address change within 30 days is a violation of N.D.C.C. § 26.1-26-33.

6. On or about June 26, 2014, Respondent submitted an application to reinstate his resident individual insurance producer license. On that application he answered "no" to background question one regarding whether he had ever been convicted of a crime. A check of court records revealed that Respondent has been convicted of Liquor-Consumption by Persons Under 21 in 1995. This conviction should

have been reported on this application and also on Respondent's initial application in 2010. Respondent's failure to report the criminal conviction on the initial application in 2010 and the reinstatement application in 2014 is a violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(1).

7. 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.

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

9. 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 \$450 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 agent 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 14th day of July, 2014.

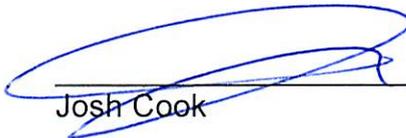



Adam Hamm
Insurance Commissioner
State of North Dakota

CONSENT TO ENTRY OF ORDER

The undersigned, **Josh Cook**, 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 10 day of July, 2014.



Josh Cook

Subscribed and sworn to before me this 10 day of July, 2014.



Notary Public

County of Stark
State of North Dakota

My commission expires: Dec 7 2017

