

STATE OF NORTH DAKOTA

BEFORE THE INSURANCE COMMISSIONER

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| In the Matter of |) | |
| |) | CONSENT ORDER |
| James Allen Moe, |) | |
| NPN 7957780, |) | CASE NO. AG-14-489 |
| |) | |
| Respondent. |) | |

TO: James Allen Moe, 1322 Fourth Avenue North, Fargo, ND 58102

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 James Allen Moe, NPN 7957780 (“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. §§ 26.1-26-42(6), 26.1-26.6-01, and 26.1-26.6-04.

2. 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:

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.

3. N.D.C.C. § 26.1-26.6-01 states:

26.1-26.6-01. Definition. As used in this chapter, unless the context otherwise requires, "bail bond agent" means any person who has been licensed by the commissioner and appointed by an insurer by power of attorney to execute or countersign bail bonds for the insurer in connection with the judicial proceedings and charges and receives money for the services.

4. N.D.C.C. § 26.1-26.6-04 states:

26.1-26.6-04. Qualification and license as bail bond agent – Pledge of property as security – Penalty. A person may not act in the capacity of a bail bond agent or perform any of the functions, duties, or powers prescribed for a bail bond agent under this chapter unless that person is qualified and licensed as provided in this chapter. . . . Violation of this section is a class B misdemeanor.

5. Respondent has held a North Dakota resident insurance producer license since December 16, 2003. Respondent's license was terminated on November 30, 2012, for nonrenewal and his appointment was automatically terminated at that time. On or about December 3, 2012, a letter was sent to Respondent by the Department with a bolded and highlighted paragraph informing him that his license had expired and his appointments were canceled effective December 1, 2012. Respondent renewed his license on December 7, 2012, but his appointment was never renewed. Respondent is licensed as a bail bond agent but did not have a current appointment with a surety company.

6. The Commissioner has come into information which alleges that Respondent has acted in the capacity of a bail bond agent and has performed the functions, duties, or powers prescribed for a bail bond agent under N.D.C.C. ch. 26.1-26.6 without being appointed with an insurer. Specifically, it is alleged Respondent has executed at least 22 bail bonds without holding an appointment by an insurer as

required by N.D.C.C. §§ 26.1-26.6-01 and 26.1-26.6-04.

7. Respondent's conduct as set out above violates N.D.C.C §§ 26.1-26-42(6), 26.1-26.6-01, and 26.1-26.6-04.

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 \$2,200 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 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 26th day of November, 2014.



Adam Hamm
Insurance Commissioner
State of North Dakota

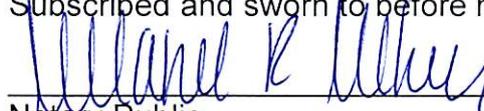
CONSENT TO ENTRY OF ORDER

The undersigned, **James Allen Moe**, 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 18th day of Nov, 2014.


James Allen Moe

Subscribed and sworn to before me this 18th day of November, 2014.


Notary Public

County of CASS
State of ND

My commission expires

