

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	
)	CONSENT ORDER
Tanner Westlake,)	
NPN 16120121,)	CASE NO. AG-14-483
)	
Respondent.)	

TO: Tanner Westlake, 7109 Copper Ridge Lane, Bismarck, ND 58504

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 Tanner Westlake, NPN 16120121 (“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 26.1-26-42(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. On or about July 21, 2014, Respondent applied to reinstate his resident individual insurance producer license. On that application Respondent answered “no” to background question one regarding whether he had ever been convicted of a crime or had a judgment withheld or deferred. On December 23, 2010, Respondent initially applied for a resident insurance producer license and answered “no” to the same question. At that time, a check of court records revealed that Respondent was convicted of Possession/Consumption of Alcohol by Person under 21 in 2005. On December 29, 2010, a letter of admonishment was issued to Respondent for his failure to disclose the 2005 conviction on the initial application. The conviction should have also been disclosed on the reinstatement application.

5. Respondent’s failure to disclose the criminal conviction on the reinstatement application is in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(1).

6. 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.

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

8. 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 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 6th day of November, 2014.



Adam Hamm
Insurance Commissioner
State of North Dakota

CONSENT TO ENTRY OF ORDER

The undersigned, **Tanner Westlake**, 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 28 day of October, 2014.

Tanner Westlake
Tanner Westlake

Subscribed and sworn to before me this 28th day of October, 2014.

Mary Hatzenbuehler
Notary Public

County of Burleigh
State of North Dakota

My commission expires:

