STATE OF NORTH DAKOTA

BEFORE THE INSURANCE COMMISSIONER

In the Matter of	)	
	)	**CONSENT ORDER**
David Neary,	)	
NPN 237227,	)	**CASE NO. AG-16-593**
	)	
Respondent.	)	

TO: David Neary, 3185 Apt to Miss Rd, Monticello, GA 31064

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 David Neary, NPN 237227 ("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, 26.1-26-42(1), and 26.1-26-45.1(2).

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. § 26.1-26-42 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.

4. N.D.C.C. § 26.1-26-45.1 states, in part:

26.1-26-45.1. Reporting of actions.

. . .

2. Within thirty days after a criminal conviction, an insurance producer shall report to the commissioner any criminal conviction of the insurance producer taken in any jurisdiction. The report must include a copy of the initial complaint, the order issued by the court, and any other relevant legal documents.

5. Respondent has been licensed as a nonresident insurance producer in North Dakota since September 28, 2009.

6. According to information received by the Department, on or about December 16, 2015, Respondent submitted documentation to the National Insurance Producer Registry Attachment Warehouse regarding convictions for Pistol-Carry Without a License and Weapon-Carrying Cancelled on June 7, 2000. A review of Respondent's North Dakota file revealed that the convictions were not disclosed on Respondent's initial application in 2009, a renewal application in 2012, and a renewal application in 2014. Respondent's failure to disclose the criminal convictions on a license application is in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(1).

7. Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(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 $600 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 10th day of February, 2016.

Adam Hamm
Insurance Commissioner
State of North Dakota

CONSENT TO ENTRY OF ORDER

The undersigned, **David Neary**, 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 1 day of Feb, 2016.

David Neary

County of Jasper
State of Georgia

Subscribed and sworn to before me this 1 day of Feb, 2016.

Leah Campbell
Notary Public

My commission expires: 9/17/17

LEAH CAMPBELL
NOTARY PUBLIC
Jasper County
State of Georgia
My Comm. Expires Sept. 17, 2017

RECEIVED
FEB 04 2016
NORTH DAKOTA
INSURANCE DEPARTMENT