MIKE WINSOR
Office of the Commissioner of
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Helena, MT 59601
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Attorney for the Department of Insurance

BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE
OFFICE OF THE STATE AUDITOR
STATE OF MONTANA

IN THE MATTER OF THE INSURANCE PRODUCER LICENSE OF SHAWN ORI, LICENSE NUMBER 12165, Respondent.	)	CASE NO.: INS-2010-104 **CONSENT AGREEMENT AND FINAL ORDER**

This Consent Agreement dated this 4th day of February 2011, is between the Montana Insurance Department ("Department") of the Office of the Commissioner of Securities and Insurance, State Auditor ("CSI"), acting pursuant to the authority of the Mont. Code Ann. § 2-4-603 and the Montana Insurance Code, Mont. Code Ann. § 33-1-101 *et. seq.*, Shawn Ori, ("Respondent").

RECITALS

WHEREAS, a Department investigator, having conducted an investigation into this matter, alleged that the Respondent violated Mont. Code Ann. § 33-1-1202, relating to representations made to State Farm in support of an insurance claim.

WHEREAS, the Department and the Respondent agree that the parties' best interests would be served by entering into the following specific agreement and undertakings set forth below.

NOW THEREFORE, in consideration of the mutual undertakings established herein, the Department and the Respondent enter into the following:

AGREEMENT

The parties stipulate and agree to the following:

1. Imposition of an administrative penalty upon the Respondent in the amount of Five Thousand Dollars ($5,000.00).

2. Payment of the administrative penalty shall be made in two installments, due on or before March 1, 2011 and February 1, 2012, in the amount of Two Thousand Fiver Hundred Dollars ($2,500.00) each. Respondent understands that Respondent may pay the administrative penalty sooner. All checks should be payable to the Montana State Auditor's Office and sent to the Commissioner of Securities and Insurance, Office of the Montana State Auditor, c/o Mike Winsor, 840 Helena Avenue, Helena, MT 59601.

3. Respondent will be issued a probationary surplus line producer's license which shall be subject to the following conditions:

a. Respondent's license will be placed on formal probation for a period of 24 months from the date of entry of the Final Order.

b. Respondent shall notify the Department's licensing bureau within ten days of any change in employment, home address, or name.

c. During the probationary period, Respondent shall, quarterly, submit copies of Ori and Associates Insurance Agency bank statements for both client trust accounts

and operating accounts to the Department's licensing bureau within 45 days following the end of each calendar quarter. For the quarter ending January 31, 2011, the Respondent shall submit to the Department's Licensing Bureau copies of the bank statements no later than March 15, 2011.

d. During the probationary period, Respondent shall complete approved insurance producer continuing education courses and meet the continuing education requirements for insurance producers. Respondent shall file written copies of the continuing education course completion certificates with a cover letter or memorandum which shall be provided to the Department's Licensing Bureau.

e. At the discretion of the Department, Respondent shall be subject to examination by the Department at Respondent's place of business at any time during the probationary period.

f. Respondent shall thoroughly read, remain familiar with, and obey all laws and rules pertaining to the conduct of insurance producers in Montana including, but not limited to, the provisions of Mont. Code Ann., Title 33, Chapter 17, Parts 1-12.

g. Respondent shall fully comply with the Montana Insurance Code, Mont. Code Ann. § 33-1-101, *et seq.*, and all administrative rules promulgated thereunder.

4. The Respondent acknowledges the CSI and the Department have jurisdiction over the subject matter of the above entitled proceeding.

5. The Respondent acknowledges that Respondent has read and understands each term of this Consent Agreement and enters into this Consent Agreement voluntarily and without reservation.

6. The Respondent stipulates and agrees with the Department that this Consent Agreement resolves this matter.

7. The Respondent and the Department hereby acknowledge and agree that this Consent Agreement constitutes the entire agreement between the parties and that no other promises or agreements, either express or implied, have been made by the Department or by any member, officer, agent, or representative of the Department to induce the Respondent to enter into this Consent Agreement.

8. The Respondent specifically and affirmatively waives a contested case hearing, Respondent's right to appeal, and elects to resolve this matter on the terms and conditions set forth herein.

9. The Respondent fully and forever releases and discharges the CSI, Department, and all Department employees and agents from any and all actions, claims, causes of action, demands, or expenses for damages or injuries, whether asserted or unasserted, known or unknown, foreseen or unforeseen, arising out of this administrative action.

10. The parties acknowledge and agree that this Consent Agreement may not be modified orally, and any subsequent modifications to this Consent Agreement must be mutually agreed upon in writing to be effective.

11. The Department and the Respondent agree that this Consent Agreement shall be incorporated into and made a part of the attached Final Order issued by the Commissioner or her representative herein.

12. The Respondent further understands that, upon the signing of the Final Order by the Commissioner or her representative, this Consent Agreement and Final Order will be an order of the CSI and failure to comply with it may constitute a separate violation of the Montana

Insurance Code, as provided in Mont. Code Ann. § 33-1-318, and may result in subsequent legal action by the Department.

13. Upon execution of this Consent Agreement and full payment of the administrative penalty as set forth in Paragraph 1 above, the Department will fully and forever release and discharge the Respondent, Respondent's employees, and Respondent's agents from any and all actions, claims, causes of action, demands, or expenses for damages or injuries, whether asserted or unasserted, known or unknown, foreseen or unforeseen, arising out of this administrative action and will not commence any further administrative, civil, or other legal action based upon the regulatory non-compliance referenced hereinabove.

14. This Consent Agreement shall be effective upon signing of the Final Order.

15. The Respondent acknowledges that this Consent Agreement and Final Order are public records under Montana law and as such may not be sealed or otherwise withheld from the public.

DATED this 4th day of February, 2011.

MIKE WINSOR
Attorney for the Department of Insurance

DATED this 3rd day of February 2011.

SHAWN ORI

STATE OF MONTANA)
:ss.
County of: Silver Bow)

SUBSCRIBED and SWORN to before me this 3rd day of February, 2011.

Signature

Bobbie J Mulcahy

Printed Name

Notary Public for the state of: Montana

Residing at: Butte, MT

My commissioner expires: 5-11-2013

NOTARIAL SEAL
BOBBIE J. MULCAHY
STATE OF MONTANA

FINAL ORDER

Pursuant to the authority vested by Mont. Code Ann. § 2-4-603, and the Montana Insurance Code, Mont. Code Ann. § 33-1-101, *et seq.*, and upon review of the foregoing Consent Agreement and good cause appearing therefor,

IT IS ORDERED that the foregoing Consent Agreement between the Department and the Respondent is hereby adopted as if set forth fully herein.

DATED this 4th day of February, 2011.

MONICA J. LINDEEN
Commissioner of Securities and Insurance

By: Robert W Moon
ROBERT W. MOON
Deputy Commissioner of Insurance

cc: Mike Winsor, Insurance Department
Respondent