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2
3 BEFORE THE STATE AUDITOR AND COMMISSIONER OF INSURANCE
4 STATE OF MONTANA

5 IN THE MATTER OF THE PROPOSED)
6 DISCIPLINARY TREATMENT OF)
7 RONALD D. DAGUE, License # 13253,)
terminated July 31, 2002.)

Case No. 2002-40

8 CONSENT AGREEMENT
AND FINAL ORDER

9 The State Auditor and Commissioner of Insurance of the state of Montana
10 (Commissioner), pursuant to the authority of the Montana Insurance Code, Mont. Code Ann. §
11 33-1-101, *et seq.*, hereby makes the following allegations which justify and support
12 disciplinary treatment:

13 FACT ASSERTIONS

14 1. Ronald D. Dague (Dague) was a Montana licensed insurance producer, license #
15 13253, in the following areas: life / disability / credit life and disability / prepaid legal. This
16 license was issued by the Insurance Department of the State Auditor's Office.

17 2. Dague failed to complete and report the required number of continuing
18 education courses in the year 1999 and 2000. Dague has also failed to report the required
19 continuing education courses for year 2001.

20 3. On or about July 29, 2001, the Insurance Department sent a letter to Dague at
21 740 Topaz Avenue, Billings, MT 59105, advising that his insurance producer license was
22 suspended for failure to comply with the annual continuing education requirements. The letter
23 further advised Dague that if he failed to comply the continuing education requirements within
24 one year, his license would be terminated effective July 31, 2002.

25 4. Dague did not submit the delinquent continuing education reports to the
26 Insurance Department.

1 5. On or about August 9, 2002, the Insurance Department sent a letter to Dague at
2 940 Topaz Avenue, Billings, MT 59105, advising that his insurance producer license was
3 terminated effective July 31, 2002 for failure to comply with the annual continuing education
4 requirements.

5 6. Subsequently, on August 19, 2002, the Insurance Department received a letter
6 from Dague stating that he (recently) completed continuing education courses which were
7 being graded and requesting additional time to complete and/or file the continuing education.

8 CONCLUSIONS OF LAW

9 1. The State Auditor is the Commissioner of Insurance pursuant to Mont. Code
10 Ann. § 2-15-1903.

11 2. The Montana Insurance Department (Department) is under the control and
12 supervision of the Commissioner pursuant to Mont. Code Ann. §§ 2-15-1902 and 33-1-301.

13 3. The Commissioner shall administer the Insurance Department to protect
14 insurance consumers pursuant to Mont. Code Ann. § 33-1-311.

15 4. Pursuant to Mont. Code Ann. § 33-17-201, an insurance producer license from
16 the Montana Insurance Department must be obtained prior to holding oneself out to be an
17 insurance producer or acting as an insurance producer for subjects of insurance located,
18 residing, or to be performed in Montana.

19 5. Pursuant to Mont. Code Ann. § 33-1-102, a person may not transact a business
20 of insurance in Montana or a business relative to a subject resident, located, or to be performed
21 in Montana without complying with the applicable provisions of this code.

22 6. Pursuant to Mont. Code Ann. §§ 33-17-214(3) and 33-17-1101(1), each
23 insurance producer license states the name and street address of the place of business for that
24 licensed insurance producer.

25 7. Pursuant to Mont. Code Ann. §§ 33-17-1101(2), an insurance producer must
26 conspicuously display his license in the place of business at the street address shown on the
7 license in a part of the place of business customarily open to the public.

1 8. Pursuant to Mont. Code Ann. § 33-17-214(6), an insurance producer must
2 inform the Commissioner in writing of a change of address within 30 days of the change.

3 9. Pursuant to Mont. Code Ann. § 33-17-1205(2), the Commissioner may suspend
4 the license of an insurance producer for failing to comply with the annual continuing education
5 completion and filing requirements. Additionally, pursuant to Mont. Code Ann. § 33-17-
6 1205(2), the Commissioner must terminate the license of an insurance producer whose license
7 is suspended for more than 12 months for failing to comply with the annual continuing
8 education completion and filing requirements.

9 10. Dague is in violation of Mont. Code Ann. § 33-17-1203(1) by failing to
10 complete annually the required 10 hours of approved continuing education.

11 11. Additionally and alternatively, Dague is in violation of Mont. Code Ann. § 33-
12 17-1205(1) by failing to file annually with the Insurance Department his written certification of
13 completion of approved continuing education.

14 12. Additionally and alternatively, Dague is in violation of Mont. Code Ann. § 33-
15 17-1003 by failing to immediately return his insurance producer license to the Commissioner
16 upon its expiration and/or termination.

17 13. Additionally and alternatively, Dague is in violation of Mont. Code Ann. § 33-
18 17-1001(1)(c) by failing to comply with the provisions of the Montana Code Annotated.

19 14. Pursuant to Mont. Code Ann. § 33-1-1001(1), the Commissioner may suspend,
20 revoke, refuse to renew, refuse to issue a license or may levy a civil penalty in accordance
21 with Mont. Code Ann. § 33-1-317 or choose any combination of actions when an insurance
22 producer is found to be in violation of Mont. Code Ann. § 33-17-1001(1).

23 **AGREEMENT**

24 Ronald D. Dague hereby stipulates and agrees to the following:

25 1. Dague will comply with the Montana Insurance Code, Mont. Code Ann. § 33-1-
26 101 et seq., and all rules and orders promulgated thereunder;

7 2. By October 31, 2002, Dague will successfully complete the delinquent hours of
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1 approved continuing education for year 1999, 2000 and 2001 and will file the certificates of
2 completion with the Department and pay all applicable filing fees (including late fees);

3 3. If Dague will, by October 31, 2002, file an application for licensure as an
4 insurance producer, meet all licensure requirements, and pay all associated fees, the
5 Department will issue a new insurance producer license to Dague for the following lines: life /
6 disability / credit life and disability;

7 4. That Dague specifically and affirmatively waives a contested case hearing on the
8 Fact Assertions and Conclusions of Law contained herein and all rights to appeal under the
9 Montana Administrative Procedure Act and elects to resolve this matter on the terms and
10 conditions set forth in this Consent Agreement;

11 5. That Dague has read and understands each term of this Consent Agreement and
12 Final Order and acknowledges that he enters into the same voluntarily and without reservation;

13 6. Dague understands that this Consent Agreement constitutes the entire agreement
14 between the parties, there being no other agreements, either express or implied;

15 7. Dague agrees that compliance with this Consent Agreement and Final Order
16 shall be a final compromise and settlement of the Department's allegations contained herein.
17 Dague further understands that, upon the signing of the Final Order by the Commissioner or
18 his representative, this Consent Agreement and Final Order will be an order of the
19 Commissioner and failure to comply with the same may constitute separate violations of the
20 Montana Insurance Code, pursuant to Mont. Code Ann. § 33-17-1001 and/or other applicable
21 statutes or rules, and may result in subsequent legal action by the Department;

22 8. Dague fully and forever releases and discharges the Commissioner, Department,
23 and all Department employees from any and all actions, claims, causes of action, demands, or
24 expenses for damages or injuries, whether asserted or unasserted, known or unknown, foreseen
25 or unforeseen, arising out of the factual allegations or conclusions in the aforementioned
26 Notice, First Amended Notice, and/or this Consent Agreement.

27 9. Dague agrees that this Consent Agreement shall be incorporated and made a part
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1 of the attached Final Order issued by the Commissioner herein;

2 10. Dague understands that this Consent Agreement is not effective until such time
3 as the following Final Order is signed; and

4 11. That Dague understands that this Consent Agreement and Final Order are public
5 records under Montana law and as such may not sealed or otherwise withheld from the public.

6 DATED this 9 day of September, 2002.

7
8 Ronald D. Dague
9 Ronald D. Dague

10 SUBSCRIBED AND SWORN TO before me this 9TH day of September, 2002.

11
12 (SEAL) Larry Fritz Larry Fritz
13 Notary Public for the State of MONTANA
14 Residing at BILLINGS
15 My commission expires: JANUARY 10 2002

16 Accepted on Behalf of the Insurance Department:

17 DATED this 12th day of September, 2002.

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19 Jennifer Massman
20 Jennifer Massman, Staff Attorney
21 Insurance Department
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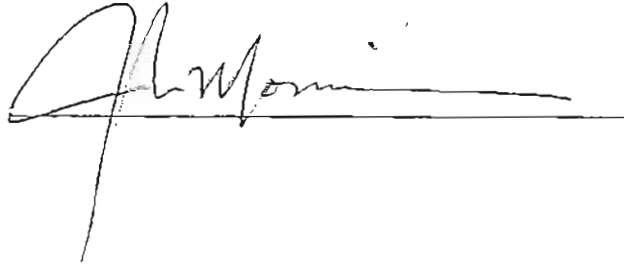
1 FINAL ORDER

2 Pursuant to the authority vested by the Montana Insurance Code, Mont. Code Ann. §
3 33-1-101 et seq., and upon review of the forgoing Consent Agreement and good cause
4 appearing therefor,

5 IT IS ORDERED that the foregoing Consent Agreement between Ronald D. Dague and
6 the Insurance Department is hereby adopted as if set forth fully herein.

7 DATED this 12 day of September, 2002.

8 JOHN MORRISON
9 State Auditor and Commissioner of Insurance

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CERTIFICATE OF SERVICE

I hereby certify that on the 12 day of September, 2002, I served a true and accurate copy of the foregoing Consent Agreement and Final Order upon the Respondent, by mail, postage prepaid, at the following address:

Ronald D. Dague
740 Topaz Avenue
Billings, MT 59105

Pamela R Weitz