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STATE AUDITOR'S OFFICE

MONTANA STATE AUDITOR'S OFFICE  
INSURANCE DEPARTMENT  
HELENA, MONTANA

JAN 25 11 52 AM '05  
HELENA, MONT.

IN THE MATTER OF: \* CASE NO. 2004-44  
\*  
THE PROPOSED DISCIPLINARY \*  
RANDELL A. GLOVER, \* CONSENT AGREEMENT  
\*  
Respondent. \*  
\*

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I.

The Montana Insurance Commissioner (Commissioner), pursuant to the authority of the Insurance Code of Montana, § 33-1-101, et seq., MCA, determines that there is probable cause to believe that the following allegations, if true, justify and support disciplinary treatment.

ALLEGATIONS

1. At all times relevant hereto, Respondent Randell A. Glover was licensed by the State of Montana and held producer's license number 21705.
2. On or about November 17, 2003, Neil Brunett (Brunett), and investigator for the Commissioner, interviewed the Respondent regarding allegations received from State Farm Insurance Company. During this interview, the Respondent admitted he filed a fraudulent insurance claim with State Farm Insurance Company on behalf of John D. Sullivan (Sullivan) as hereinbelow described.
3. Sullivan advised Brunett in an interview conducted November 17, 2003 that he (Sullivan) told the Respondent about a laptop computer owned by him that had been dropped and broken. According to Sullivan, the Respondent filed an insurance claim with State Farm on his behalf for the broken laptop computer, and in doing so, stated the computer had been stolen, not dropped and broken as actually occurred.

4. Sullivan further stated State Farm paid him approximately \$1,100.00 for the fraudulent claim filed by the Respondent, and that he subsequently repaid insurance proceeds to State Farm following State Farm's own investigation into the matter.

#### CONCLUSIONS

Therefore, if such conduct is true, Respondent Randell A. Glover willfully violated §§ 33-1-1201 and 33-1-1202(1), MCA by, for the purpose of obtaining any money or benefit, presented or caused to be presented to State Farm Insurance Company written and/or oral statements containing false and/or misleading information concerning facts or things material to, as part of, or in support of a claim for payment or other benefit pursuant to an insurance policy. Furthermore, if such conduct is true, it is punishable as provided by § 33-1-101, MCA et seq., which includes, but is not limited to, a fine not to exceed \$5,000.00 per violation pursuant to § 33-1-317, MCA and by revocation of the insurance producer's license pursuant to § 33-17-1001, MCA.

#### AGREEMENT

Randell A. Glover stipulates and consents to the following:

- A. To remain a law abiding citizen and to comply with all provisions of the Montana Insurance Code through his successful completion of all terms and conditions herein;
- B. To waive the right to a hearing on the above-mentioned allegations and, that by entering into this Consent Agreement, neither admits nor denies the substance of the allegations of the Commissioner;
- C. To waive his right to any and all statutes of limitation; that he has read the foregoing Consent Agreement; that he knows and fully understands its contents and effect; that he acknowledges that he has been advised of his right to be represented by legal counsel and if

represented by legal counsel, that his legal representation was satisfactory; that he is fully aware of his right to a hearing in this matter, his right to present evidence and arguments to the Commissioner and his right to appeal from an adverse determination after hearing; that he further acknowledges that, in signing this Consent Agreement, he is not under the influence of alcohol or drugs (prescription or otherwise), that he does not suffer from any emotional disturbance or mental disease or defect that would render him not competent to sign this Consent Agreement; that no threats, promises, coercion, force or duress have been used or brought against him in order to compel him to sign this Consent Agreement. **The Respondent understands that, by signing this Consent Agreement, he waives those rights mentioned above in their entirety.**

E. To attend and complete 10 credit hours worth of Continuing Education classes that deal specifically with business ethics by the end of his 2006 biennial continuing education reporting period.

F. To pay a \$5,000.00 fine to the Montana State Auditor's Office, all of which will be suspended upon successful completion of all terms and conditions of this Consent Agreement.

G. The Respondent further understands and agrees that, in signing this Consent Agreement, the Department retains its right to pursue any legal remedy in this matter, civil or criminal. Pursuant to the stipulation and consent of Randell A. Glover, the Commissioner, under authority of the Insurance Code of Montana and § 2-4-603, MCA, hereby agrees that if the terms and conditions of this Consent Agreement are fully met, he will not initiate any further civil, administrative or criminal actions against Randell A. Glover regarding the allegations contained herein. In consideration for the Commissioner not initiating any further civil or administrative or criminal actions, Randell A. Glover fully and forever releases and discharges the Office of the State Auditor, the elected State Auditor and all State Auditor employees from any and all actions, claims,

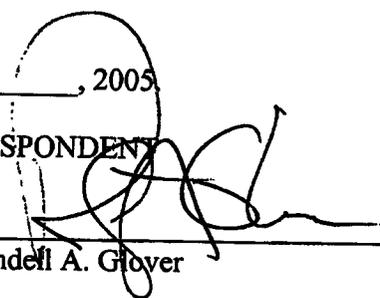
causes of action, demands, or expenses for damages or injuries, whether asserted or unasserted, known or unknown, foreseen or unforeseen, arising out of the above entitled administrative action.

H. The Respondent states that he understands that this Consent Agreement is part of the Commissioner's file, which is a public record. As a public record it may not be sealed. Also, he understands that the Commissioner develops press releases based on Consent Agreements on a routine basis and sends them to the news organizations in the state of Montana; and

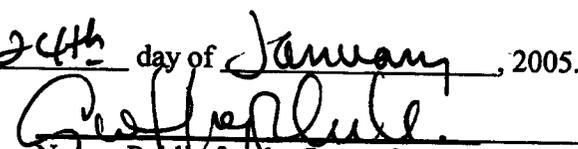
I. It is further understood that this Consent Agreement constitutes the entire agreement between the parties, there being no other promises or agreements, either express or implied, unless contained herein.

DATED this 24 day of January, 2005

RESPONDENT

  
Randall A. Glover

Subscribed and sworn to before me this 24th day of January, 2005.

  
Notary Public for the State of Montana

Written name Geoffrey Keller

Residing at Billings MT

My commission expires 10-2-2006

(SEAL)

JOHN MORRISON  
State Auditor and  
Commissioner of Insurance

By:   
John K. Kurtz  
Legal Counsel