

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

IN THE MATTER OF:)	CASE NO. INS-2011-34
)	
RUSSELL "MAX" GRAHAM)	CONSENT AGREEMENT AND
individually and in his capacity as)	FINAL ORDER
a licensed insurance producer,)	
Producer License # 90991,)	
)	
Respondent.)	

This Consent Agreement dated this 26th day of May, 2011, is between the Insurance Department (Department) of the office of the Commissioner of Securities and Insurance, Montana State Auditor (CSI), acting pursuant to the authority of the Insurance Code of Montana, Mont. Code Ann. § 33-1-101, *et seq.* (Insurance Code), and Respondent RUSSELL "MAX" GRAHAM (Graham).

RECITALS

WHEREAS, the Department investigated a complaint regarding Graham indicating he may have committed insurance fraud pursuant to Mont. Code Ann. § 33-1-1202(3), and that said complaint was investigated during a period Graham was acting under a separate and distinct consent agreement in case number INS-2009-101 for violations of the Montana Insurance Code. Subsequently, Graham failed to meet the terms of the consent agreement in case number INS-2009-101; and

WHEREAS, the Department and Graham 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 Graham enter into the following:

AGREEMENT

A. Without admitting or denying any of the Department's allegations, Graham stipulates and consents to the following:

1. The Respondent shall pay a \$2,5000.00 fine to the state of Montana. The fine should be made payable to the "State of Montana" and sent to the CSI, c/o Roberta Cross Guns, Attorney, 840 Helena Avenue, Helena, MT 59601. The fine may be paid in equal installments over a period not to exceed six months from the date of signing this consent agreement. Any failure to timely pay this fine will result in revocation of Respondent's insurance producer license.

2. The Respondent's insurance producer's license shall be suspended for a period of seven consecutive days beginning on the 12th day of June, 2011, and continuing through June 18, 2011.

3. Within the next 12 months, the Respondent shall participate in and successfully complete 4 hours ethics or compliance education classes in addition to the required continuing education for licensure.

4. The Respondent fully and forever releases and discharges the Commissioner of Securities and Insurance (Commissioner), the Department, and all of the Department's 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 Agreement.

5. The Respondent specifically and affirmatively waives a contested case hearing and all rights to appeal under the Montana Administrative Procedure Act, Mont. Code Ann. § 2-4-101, *et seq.*, and elects to resolve this matter on the terms and conditions set forth herein.

B. All parties to this Agreement stipulate and consent as follows:

1. The Commissioner has jurisdiction over the subject matter of the above-entitled proceeding.

2. Under authority of the Insurance Code, the Department hereby agrees that any complaints brought to the Commissioner after the signing of this Agreement that contain allegations of illegal acts by Respondent of a similar or the same nature as the allegations set forth in the Action that occurred prior to the consummation of this Agreement shall not result in further administrative, civil or criminal action by the Commissioner.

3. The applicable statute of limitation, Mont. Code Ann. § 33-1-318, is tolled for two years from the date of execution of this Agreement with regard to the allegations set forth above. In the event Respondent violates the terms of this Agreement at any time during the tolling period, the Department reserves the right to seek additional disciplinary action.

4. This Agreement constitutes the entire agreement between the parties and no other promises or agreements, either express or implied, have been made by the Commissioner or by any member, officer, agent or representative of the Department to induce Respondent to enter into this Agreement.

5. The Agreement is a public record under Montana law and as such may not be sealed or otherwise withheld from the public.

DATED this 20th day of May, 2011.

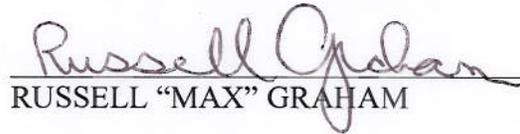
MONTANA INSURANCE DEPARTMENT



ROBERTA CROSS GUNS

Attorney

DATED this 20 day of May, 2011.



RUSSELL "MAX" GRAHAM

FINAL ORDER

THE COMMISSIONER, having reviewed and considered the foregoing consent agreement, including each and every term, pursuant to the authority vested by Mont. Code Ann. § 2-4-603 and § 33-1-101, *et seq.*, and good cause appearing,

IT IS HEREBY ORDERED that the foregoing Consent Agreement between the Department of Insurance and Respondent Russell "Max" Graham is adopted as if set forth fully herein.

DATED this 26th day of May, 2011.

MONICA J. LINDEEN
Commissioner of Securities and Insurance
Montana State Auditor

By: Robert Moon
ROBERT MOON
Deputy Insurance Commissioner

cc. Russell Max Graham
Roberta Cross Guns