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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 LICENSE DENIAL OF ROBERT)	CASE NO.: INS-2009-67
DOUGLAS KOLLAR)	
)	CONSENT AGREEMENT AND
)	FINAL ORDER
)	
Respondent.)	(PROBATIONARY LICENSE AND 18 U.S.C
)	1033(e)(2) WRITTEN CONSENT TO WORK
)	IN THE INSURANCE BUSINESS)
)	

This Consent Agreement dated this 16 day of JUNE, 2010, is between the Montana Insurance Department ("Department"), acting pursuant to Mont. Code Ann. § 2-4-603 and the authority of the Insurance Code, Mont. Code Ann. § 33-1-101, *et. seq.*, and Robert Douglas Kollar ("Respondent").

RECITALS

WHEREAS, the Department issued a Notice of Proposed Agency Action and Opportunity for Hearing ("Notice") to the Respondent on October 20, 2009, alleging that Respondent violated Mont. Code Ann. § 33-17-1001(1)(b), (e), and (f) by providing incorrect information in Respondent's application for an individual producer license.

WHEREAS, the Notice is incorporated herein by reference.

WHEREAS, the Respondent neither admits nor denies the Allegations of Fact and Conclusions of Law contained in the Notice.

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

1. The Respondent acknowledges the Commissioner of Securities and Insurance, Office of the State Auditor (the "CSI"), and the Department have jurisdiction over the subject matter of the above-entitled proceeding.
2. The Respondent acknowledges he was advised of his option to be represented by legal counsel, has consulted with legal counsel regarding this Consent Agreement, and is satisfied with the services of his legal counsel.
3. The Respondent acknowledges that he has read and understands each term of this Consent Agreement and enters into this Consent Agreement voluntarily and without reservation.
4. The Respondent stipulates and agrees with the Department that this Consent Agreement resolves alleged violations set forth in the Notice.
5. 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.

6. With respect to the Notice, the Respondent specifically and affirmatively waives his right to appeal and elects to resolve this matter on the terms and conditions set forth herein.

7. 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 and the Factual Allegations and Conclusions of Law contained in the Order and Notice and incorporated by reference in this Consent Agreement.

8. 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.

9. 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 herein.

10. 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 license revocation and subsequent legal action by the Department.

11. Upon execution of this Consent Agreement and full compliance with the provisions set forth in Paragraph 15 below, the Department will not commence any further administrative, civil, or other legal action based upon the allegations set forth in the Notice.

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

13. 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.

14. The Respondent will be issued a probationary individual insurance producer license and written consent from the CSI to engage in the business of insurance in Montana for purposes of 18 U.S.C § 1033(e)(2), if applicable, which shall be subject to the following conditions and are only applicable to Respondent's employment in the insurance industry.

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

(b) The running of the probationary period shall be tolled during any period of time Respondent is not employed in the insurance industry. 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 his bank statements for both his client trust account and operating account to the Department's Licensing Bureau within 45 days following the end of each calendar quarter. For the quarter ending September 30, 2010, the Respondent shall submit, to the Department, copies of the bank statement no later than November 15, 2010.

(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 his place of business at any time.

(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.

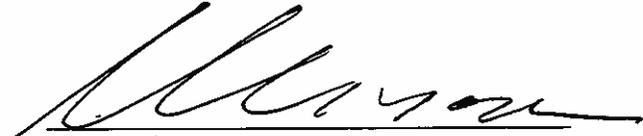
(16) Violation of any of the conditions set forth in Paragraph 15 above shall result in revocation of Respondent's probationary individual producer license. The Department shall prove any alleged violation of the said conditions by a preponderance of the evidence according to the contested case provisions of the Montana Administrative Procedures Act, Mont. Code Ann. § 2-4-601, *et seq.*, and the hearings and appeals provision of the Montana Insurance Code, Mont. Code Ann. § 33-1-701, *et seq.* Respondent reserves all rights under the Montana Administrative Procedures Act to contest Department actions to prove a violation of any condition set forth in Paragraph 15 above.

17. If, at any time during the probationary term, the Department finds reasonable cause to believe that the Respondent has violated any of the terms and conditions of this Consent Agreement or any statutes and rules governing the conduct of insurance producers in Montana, and if the Department determines that constitutes an imminent threat to Montana insurance consumers, Respondent's license shall be automatically and summarily suspended pending a post-suspension hearing which shall be held within 20 days of suspension. Further action will be taken depending upon the results of a contested case hearing as to whether the Respondent

violated the terms and conditions of this Consent Agreement or any statutes or rules governing the conduct of insurance producers in the state of Montana.

18. If the Respondent fully complies with this Consent Agreement and successfully completes the probationary period, he may apply for a non-probationary license.

DATED this 7 day of June, 2010.



Mike Winsor
Attorney for the Department of Insurance

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 Final Order and good cause appearing therefor,

1. IT IS ORDERED that the foregoing Consent Agreement between the Department and the Respondent is hereby adopted as if set forth fully herein.
2. IT IS FUTHER ORDERED that this Final Order shall constitute written consent to work in the business of insurance in Montana pursuant to 18 U.S.C. § 1033 (e) (2).

DATED this 17th day of June, 2010.



MONICA J. LINDEEN
Commissioner of Securities and Insurance

cc: Mike Winsor, Insurance Department
James Kommers, Attorney for Respondent