

ROBERTA CROSS GUNS
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Attorney for Securities and Insurance Departments

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

IN THE MATTER OF:)	CASE NO. INS-2010-153
CINDY LOU BARRY)	
in her capacity as a licensed insurance)	CONSENT AGREEMENT AND FINAL
producer, License #914797)	ORDER
Respondent.)	

This Consent Agreement dated this 25th day of April, 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 CINDY LOU BARRY (Barry).

RECITALS

WHEREAS, the Department discovered Barry was convicted of felony DUI in Montana's Second Judicial District Court on or about November 20, 2003. Subsequently, Barry failed to notify the Department about her 2003 felony conviction, including each of the four

times she renewed her license since the conviction in violation of §§ 33-17-214(6)(a)(ii)(C) and 33-17-1205(3); and

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

AGREEMENT

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

1. Upon signing of this Agreement, the Respondent shall pay a \$500.00 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.

2. The Respondent shall in the future timely report any felony violations to the CSI and shall fully disclose the information requested by the renewal application or the Insurance Code, and all other regulations of the state of Montana.

3. The Respondent shall comply with the terms and conditions of this Agreement, the Insurance Code, and all other regulations of the state of Montana.

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 one year 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 fines.

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 26th day of April, 2011.

MONTANA INSURANCE DEPARTMENT

Roberta Cross Guns
ROBERTA CROSS GUNS
Attorney

DATED this 27th day of April, 2011.

Cindy Lou Barry
CINDY LOU BARRY

STATE OF MONTANA)
COUNTY OF Silver Bow) ss.

SUBSCRIBED AND SWORN to before me this 27 day of April, 2011, by Cindy Lou Barry.

Cindy L. Lammi
Printed Name: CINDY L. LAMMI
Notary Public for the State of: Montana
Residing at: Butte
My commission expires: 9.15.2011

Cindy L. Lammi
Cindy L. Lammi
Notary Public for the State of Montana
Residing at Butte, Montana
My Commission Expires September 15, 2011

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 Cindy Lou Barry is adopted as if set forth fully herein.

DATED this ^{29th} day of April, 2011.

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

By: Robert Moon
ROBERT MOON
Deputy Insurance Commissioner

cc. Cindy Lou Barry
Roberta Cross Guns