



WHEREAS, the Department and the Respondent agree that the parties' best interests would be served by entering into this agreement.

NOW, THEREFORE, in consideration of the mutual undertakings established herein, the Department and the Respondent agree to settle this matter pursuant to the following terms and conditions:

### **STIPULATIONS AND CONSENTS**

Without admitting or denying any of the Department's allegations, Respondent stipulates and agrees to the following:

1. The Respondent's individual producer license will be revoked. The revocation will be effective upon the execution of the attached Final Order.

2. The Respondent acknowledges the Commissioner of Securities and Insurance ("CSI") and the Department have jurisdiction over the subject matter of the above-entitled proceeding.

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 this matter.

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. The Respondent specifically and affirmatively waives a contested case hearing, and his right to appeal; and he 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.

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 subsequent legal action by the Department.

11. Upon execution of this Consent Agreement, the Department will fully and forever release and discharge the Respondent, Respondent's employees, and Respondent's 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 will not commence any further administrative, civil, or other legal action based upon the regulatory non-compliance referenced hereinabove.

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.

DATED this 1 day of ~~February~~ <sup>March</sup>, 2011.

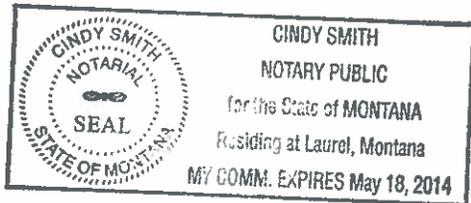
  
**MIKE WINSOR**  
Attorney for the Department of Insurance

DATED this 25<sup>th</sup> day of February, 2011.

  
**LEONARD OAKS SPICER**

STATE OF MONTANA     )  
  :SS.  
County of: Yellowstone

SUBSCRIBED and SWORN to before me by Leonard Oaks Spicer this 25<sup>th</sup> day of February, 2011.



  
Printed Name Cindy Smith  
Notary Public for the state of Montana  
Residing at Laurel, mt  
My Commission Expires May 18, 2014

**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 good cause appearing,

IT IS ORDERED that the foregoing Consent Agreement between the Department and the Respondent is hereby adopted as if set forth fully herein.

DATED this 1<sup>st</sup> day of March, 2011.

**MONICA J. LINDEEN**  
Commissioner of Securities and Insurance

By:   
\_\_\_\_\_  
**ROBERT W. MOON**  
Deputy Commissioner of Insurance