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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)	CASE NO. INS-2011-128
)	
ROBIN BARSNESS,)	CONSENT AGREEMENT AND
)	FINAL ORDER
Respondent.)	
)	
)	

This Consent Agreement and Final Order (Agreement) is entered into by the Office of the Commissioner of Securities and Insurance, Montana State Auditor (CSI), acting pursuant to the authority of the Montana Insurance Code, Mont. Code Ann. § 33-1-101, et seq. (Code), and Robin Barsness (Respondent).

RECITALS

WHEREAS, the Respondent applied for an insurance producer's license;

WHEREAS, the Respondent admitted that while unlicensed, she regularly answered the phone, took payments, and provided quotes while working at Affordable Insurance of Bozeman;

WHEREAS, the CSI alleged Respondent violated Mont. Code Ann. § 33-17-201 by selling, soliciting, or negotiating insurance without a license; and

WHEREAS, the CSI and the Respondent agree that the best interests of the public would be served by entering into this Agreement;

NOW, THEREFORE, in consideration of the mutual undertakings contained in this Agreement, the CSI and the Respondent hereby agree to settle this matter pursuant to the following terms and conditions:

STIPULATIONS AND CONSENTS

I. Without admitting or denying any of the CSI's allegations, the Respondent stipulates and consents to the following:

A. The Respondent shall pay a \$1,000.00 fine to the state of Montana. The Respondent shall pay this fine in monthly payments of \$100. Upon execution of this agreement, the first payment will be due the first day of the next month. Additional payments are due the first day of each month thereafter. The Respondent may pay the entire amount in one payment, but cannot pay less than \$100 each month. The fine should be made payable to the "Montana State Auditor" and sent to the CSI, c/o Jameson C. Walker, Attorney, 840 Helena Avenue, Helena, MT 59601.

B. The Respondent will be issued an insurance producer license which shall be subject to the following conditions:

(i). The Respondent's license will be placed on probation for a period of 24 months from the date of the license approval;

(ii). The Respondent shall notify the CSI's licensing bureau within 15 days of any change in employment, home address, or name;

(iii). During the probationary period, the Respondent shall complete approved insurance producer continuing education courses and meet the

continuing education requirements for insurance producers. The Respondent shall file written copies of the continuing education course completion certificates with a cover letter or memorandum which shall be provided to the CSI's Licensing Bureau;

(iv). At the discretion of the CSI, the Respondent shall be subject to examination by the CSI at her place of business at any time;

(v). The Respondent shall thoroughly read, remain familiar with, and obey all laws and rules pertaining to the conduct of insurance producers in Montana.

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

D. The Respondent fully and forever releases and discharges the Commissioner of Securities and Insurance, Montana State Auditor (Commissioner), the CSI, and all of the CSI'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.

E. 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.

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

A. The Commissioner and the CSI have jurisdiction over the subject matter of the above-entitled proceeding.

B. Under authority of the Code, the CSI hereby agrees that it will not initiate any civil or administrative action against the Respondent based upon the activities alleged herein. The CSI reserves the right to commence an administrative action in the event the Respondent fails to comply with the terms outlined above.

C. The CSI will issue Respondent a probationary producer's license upon execution of this document.

D. This Agreement is entered into without adjudication of any issue, law, or fact. It is entered into solely for the purpose of resolving the CSI's allegations and is not intended to be used for any other purpose. For any person or entity not a party to this Agreement, this Agreement does not limit or create any private rights or remedies against the Respondent including limit or create liability of Respondent, or limit or create defenses of Respondent, to any claims.

E. 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 two-year tolling period, the CSI reserves the right to seek additional fines.

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

G. This Agreement may not be modified orally, and any subsequent modifications to this Agreement must be mutually agreed upon in writing to be effective.

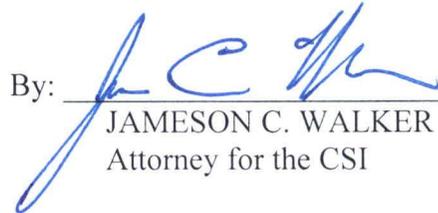
H. This Agreement shall be incorporated into and made a part of the attached Final Order issued by the Commissioner herein.

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

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

DATED this 25th day of January, 2012

Office of the Commissioner of Securities and Insurance, Montana State Auditor

By: 
JAMESON C. WALKER
Attorney for the CSI

DATED this 1 day of Jan., 2012

ROBIN BARSNESS



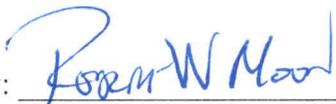
FINAL ORDER

Pursuant to the authority vested by Mont. Code Ann. § 2-4-603 and § 33-1-101, et seq., and upon review of the foregoing Consent Agreement and good cause appearing,

IT IS HEREBY ORDERED that the foregoing Consent Agreement between the CSI and Respondent Robin Barsness is adopted as if set forth fully herein.

DATED this 24th day of January, 2012.

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

By: 
ROBERT MOON
Deputy Insurance Commissioner

cc. Jameson Walker
Robin Barsness