MIKE WINSOR
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Attorney for the CSI

BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE
MONTANA STATE AUDITOR

IN THE MATTER OF ROLF HARMSEN, Respondent.	)))))))	CASE NO.: INS-2011-240 **CONSENT AGREEMENT AND FINAL ORDER**

This Consent Agreement and Final Order is entered into by the Office of the Commissioner of Securities and Insurance, Montana State Auditor (CSI), acting pursuant to the authority of Mont. Code Ann. § 2-4-603, and the Montana Insurance Code, Mont. Code Ann. § 33-1-101, et. seq., (the Code); and Rolf Harmsen (Respondent).

RECITALS

WHEREAS, in August and September of 2011, it came to the attention of the CSI that the Respondent did not have a trust account for client funds, in violation of Mont. Code Ann. § 33-17-1102(1), and that the Respondent was delinquent in paying state income taxes, in violation of Mont. Code Ann. § 33-17-1001(n).

WHEREAS, the Respondent has set up a separate trust account for client funds;

WHEREAS, the Respondent has taken steps toward entering into an agreement with the Montana Department of Revenue (DOR) to become current in his Montana income tax obligations;

WHEREAS, the CSI and 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 CSI and the Respondent enter into the following:

STIPULATIONS AND CONSENTS

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

1. Enter into a payment agreement with the DOR to pay Respondent's delinquent state income taxes.

2. Respondent shall furnish the CSI a copy of the Respondent's payment agreement with the DOR not later than thirty (30) days from its effective date.

3. Respondent shall sign a limited power of attorney granting Mike Winsor, attorney for the CSI, permission to communicate directly with the DOR regarding the Respondent's payment agreement, the Respondent's performance pursuant to the payment agreement, and the Respondent's delinquent status with respect to state income taxes on a going-forward basis for the effective duration of this agreement.

4. Respondent shall pay a $10,000 fine, all of which is suspended subject to the Respondent's compliance with this Consent Agreement.

5. The CSI will not to suspend or revoke the Respondent's individual producer license as a result of the Respondent's state tax delinquency for the tax years 2004-2008 subject to the Respondent's compliance with this Consent Agreement. The CSI reserves the right to take action against the Respondent's individual producer license if the Respondent does not comply with this Consent Agreement or the agreement with DOR.

6. This Consent Agreement shall remain in effect until such time as the Respondent becomes current with regard to his state income tax obligations.

7. Respondent agrees to timely file and pay his state income taxes on a going-forward basis.

8. The Respondent acknowledges the CSI has jurisdiction over the subject matter of the above-entitled proceeding.

9. 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.

10. The Respondent stipulates and agrees with the CSI that this Consent Agreement resolves this matter.

11. The Respondent and the CSI 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 CSI or by any member, officer, agent, or representative of the CSI to induce the Respondent to enter into this Consent Agreement.

12. The Respondent specifically and affirmatively waives a contested case hearing, waive his right to appeal, and elects to resolve this matter on the terms and conditions set forth herein.

13. The Respondent fully and forever releases and discharges the CSI, and all CSI 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.

14. Upon execution of this Consent Agreement, the CSI will fully and forever release and discharge the Respondent 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.

15. Nothing in this Consent Agreement may be construed as creating or limiting a private or separate cause of action.

16. 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.

17. The parties agree that this Consent Agreement shall be incorporated into and made a part of the attached Final Order issued by the Commissioner of Securities and Insurance, Montana State Auditor (Commissioner) herein.

18. 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 CSI.

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

20. 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 18th day of July, 2012.

MIKE WINSOR
Attorney for the CSI

DATED this _____day of _____, 2012.

ROLF HARMSEN
Respondent

DATED this _____ day of _____, 2012.

MIKE WINSOR
Attorney for the CSI

DATED this 27th day of July, 2012.

ROLF HARMSEN
Respondent

FINAL ORDER

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 CSI and the Respondent is hereby adopted as if set forth fully herein.

DATED this 30th day of July, 2012.

MONICA J. LINDEEN
Commissioner of Securities and Insurance

By: _____
CHRISTINE KAUFMANN
Acting Deputy Commissioner of Insurance

cc: Mike Winsor, Attorney for the CSI
Clinton Fischer, Attorney for the Respondent