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Insurance Department
2 Office of the Commissioner of Securities and Insurance
Montana State Auditor's Office
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5 Attorney for the Insurance Department

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

9
10 IN THE MATTER OF THE PROPOSED)
AGENCY ACTION REGARDING THE)
11 INSURANCE PRODUCER LICENSE OF)
EDWARD B. DUPUIS, License #740189,)
12 Respondent.)

Case No. 2011-52

CONSENT AGREEMENT
AND FINAL ORDER

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14 This Consent Agreement and Final Order is entered into by the Montana Insurance
15 Department (Department), pursuant to the authority of Mont. Code Ann. § 2-4-603 and the
16 Montana Insurance Code, Mont. Code Ann. § 33-1-101, *et seq.*, and Edward B. Dupuis (referred
17 to herein as "Respondent").

18 RECITALS

19 WHEREAS, the Department, having conducted an investigation, determined that the
20 Respondent engaged in conduct that violated Mont. Code Ann. §§ 33-17-211(1)(f) and 33-17-
21 1001(1)(a) as set forth in the Notice of Proposed Agency Action and Opportunity for Hearing
22 (Notice), incorporated herein by reference; and

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

25 NOW, THEREFORE, in consideration of the mutual undertakings established herein, the
26 Department and the Respondent hereby stipulate and agree to the following:

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1 AGREEMENT

2 1. The Commissioner and Department have jurisdiction over the subject matter of
3 the above-entitled proceeding.

4 2. Respondent acknowledges that he was advised of the right to be represented by
5 legal counsel and if represented by legal counsel, that such legal representation was satisfactory.

6 3. Respondent has read and understands each term of this Consent Agreement and
7 Final Order. Respondent acknowledges that he enters into this Consent Agreement voluntarily,
8 and without reservation. Respondent acknowledges that he is not under the influence of alcohol
9 or drugs (prescription or otherwise) and that he does not suffer from any emotional disturbance
10 or mental disease or defect that would render him not competent to sign this Consent Agreement.
11 Respondent further acknowledges that this Consent Agreement constitutes the entire agreement
12 between the parties and that no other promises or agreements, either express or implied, have
13 been made by the Department or by any member, officer, agent or representative of the
14 Department to induce Respondent to enter into this Consent Agreement.

15 4. The Department contends as set forth in the Fact Assertions and Conclusions of
16 Law in the Notice. Respondent neither admits nor denies the Fact Assertions and Conclusions of
17 Law in the Notice. The Department and Respondent have elected to resolve these matters as
18 follows:

19 (a) Respondent Dupuis agrees that his insurance producer license will be revoked
20 on the date the Final Order is signed.

21 (b) Respondent Dupuis agrees that he will not apply for an insurance producer
22 license for a period of five (5) years from the date the Final Order is signed. Respondent agrees
23 that if he applies for an insurance producer license before the five (5) year period has expired, the
24 Department and Commissioner will summarily deny the application without an opportunity for a
25 hearing.

26 (c) If Respondent wishes to apply for an insurance producer license after the five
27 (5) year period has expired, Respondent must successfully complete all licensing requirements
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1 then in effect. Further, the Department and Commissioner may deny the license provided that
2 the license denial is not based solely on the Stipulation and Consent to the Issuance of an Order
3 of Prohibition and the Order of Prohibition, Order No.: DC 10-052, issued by the OTS, attached
4 as an Exhibit to the Notice.

5 (d) The Department and Respondent agree that this Consent Agreement and
6 Final Order resolve the violations set out herein.

7 (e) Respondent specifically and affirmatively waives a contested case hearing
8 and all rights to appeal under the Montana Administrative Procedure Act, and elects to resolve
9 this matter on the terms and conditions set forth herein.

10 (f) Respondent agrees that compliance with this Consent Agreement and Final
11 Order shall be a final compromise and settlement of the matters set forth herein.

12 (g) Respondent fully and forever releases and discharges the Commissioner,
13 Department, and all Department employees from any and all actions, claims, causes of action,
14 demands, or expenses for damages or injuries, whether asserted or unasserted, known or
15 unknown, foreseen or unforeseen, arising out of the factual allegations or conclusions in this
16 Consent Agreement.

17 (h) The Department and Respondent agree that this Consent Agreement shall be
18 incorporated and made a part of the attached Final Order issued by the Commissioner herein.

19 5. Respondent further understands that, upon the signing of the Final Order by the
20 Commissioner or her representative, this Consent Agreement and Final Order will be an order of
21 the Commissioner and failure to comply with the same may constitute separate violations of the
22 Montana Insurance Code, pursuant to Mont. Code Ann. § 33-2-119 and/or other applicable
23 statutes or rules, and may result in subsequent legal action by the Department.

24 6. Respondent understands that this Consent Agreement is not effective until such
25 time as the following Final Order is signed.

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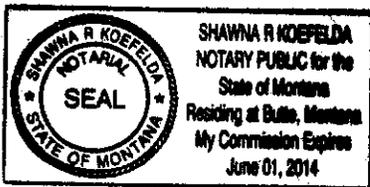
1 7. Respondent understands that this Consent Agreement and Final Order are public
2 records under Montana law and as such may not be sealed or otherwise withheld from the public.

3 Dated this 2nd day of March, 2011.

4 Ed Dupuis
5 _____
6 EDWARD B. DUPUIS

7 STATE OF MONTANA)
8 County of Silverbow) ss.

9 SUBSCRIBED AND SWORN to before me by EDWARD B. DUPUIS on this 2nd day of
10 March, 2011.



11 Shawna R. Koefeldt
12 Printed Name SHAWNA R. Koefeldt
13 Notary Public for the State of Montana
14 Residing at UPS Store, Butte, MT
15 My Commission expires June 01, 2014

18 ACCEPTED BY THE INSURANCE DEPARTMENT

19 Dated this 7th day of March, 2011.

20
21 Jennifer Massman
22 JENNIFER MASSMAN
23 Attorney for the Insurance Department
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1 **FINAL ORDER**

2 Pursuant to the authority vested by the Montana Insurance Code, Mont. Code Ann. § 33-
3 1-101, *et seq.*, and on the basis of the Findings of Fact and Conclusions of Law found in the
4 Notice of Proposed Agency Action in this matter, the foregoing Consent Agreement and
5 Respondent's consent to the entry of this order, for the purpose of settling this matter prior to a
6 hearing, and without admitting or denying any of the Findings of Fact or Conclusions of Law,

7 IT IS HEREBY ORDERED that the foregoing Consent Agreement between the
8 Department and the Respondent is adopted as if set forth fully herein;

9 IT IS FURTHER ORDERED that the Department and Respondent comply with the
10 provisions of the foregoing Consent Agreement.

11 DATED this 7th day of MARCH, 2011.

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

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17 By: Robert W. Moon
18 Deputy Insurance Commissioner

CERTIFICATE OF SERVICE

I hereby certify that on the 7 day of MARCH, 2011, I served a true and accurate copy of the foregoing Consent Agreement and Final Order upon the Respondent and Department, by mail, postage prepaid, or by hand-delivery at the following address:

Edward B. Dupuis
P.O. Box 59
Melrose, MT 59743

Jennifer Massman
Staff Attorney
Insurance Department