

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

IN THE MATTER OF:)	CASE NO. INS-2011-68
)	
JOHN OLSON,)	ORDER DENYING
)	LICENSE APPLICATION
in his capacity as an applicant for an)	
insurance producer's license)	
)	
Respondent.)	

The Commissioner of Securities and Insurance, Montana State Auditor (Commissioner), pursuant to the authority of the Montana Insurance Code, Mont. Code Ann. § 33-1-101, et seq., hereby issues the following allegations of fact, conclusions of law, order and notice of right to a public hearing:

ALLEGATIONS OF FACT

1. On or about December 14, 2010, the Insurance Department of the Office of the Commissioner of Securities and Insurance, Montana State Auditor (Department) received an application for an insurance producer's license from Respondent John Olson (Olson).
2. The application indicated Olson had been convicted of a felony. The Department conducted a background check pursuant to Mont. Code Ann. § 33-17-201. The background check confirmed Olson's felony conviction.
3. The Department, by letter dated April 13, 2011, notified Olson he must complete a specific questionnaire pursuant to the provisions of 18 U.S.C. § 1033 to show whether Olson could be considered rehabilitated pursuant to said statute. Olson failed to accurately complete the questionnaire by failing to provide five affidavits attesting to his character and reputation.

Additionally, Olson indicated he only wanted to act as a Customer Service Representative (CSR), a position exempted from licensure by Mont. Code Ann. § 33-17-103

Based on the foregoing allegations, the Commissioner enters the following:

CONCLUSIONS OF LAW

1. The Commissioner has jurisdiction over this matter by reason of the Respondent's licensure pursuant to Mont. Code Ann. § 33-17-101, et seq.

2. Pursuant to Mont. Code Ann. § 33-17-1001(1)(e), the Commissioner may suspend, revoke, refuse to renew, or refuse to issue an insurance producer's license when that person has been convicted of a felony.

3. Pursuant to Mont. Code Ann. § 33-17-1001(1)(f), the Commissioner may suspend, revoke, refuse to renew, or refuse to issue an insurance producer's license when that person is incompetent, untrustworthy, financially irresponsible, or a source of injury and loss to the public.

4. Respondent violated Mont. Code Ann. § 33-17-1001 by being convicted of a felony. Further, Respondent failed to demonstrate he has been rehabilitated based on his responses to the Department's questionnaire developed in response to 18 U.S.C. § 1033.

5. Respondent violated Mont. Code Ann. § 33-17-1001 by acting in a manner that demonstrates incompetence, a lack of trustworthiness when he failed to accurately respond to the questionnaire required by 18 U.S.C. § 1033.

ORDER

Pursuant to Mont. Code Ann. § 33-17-1001, it appears to the Commissioner that the above-named Respondent has committed acts constituting violations of Mont. Code Ann. § 33-17-1001(1)(e), and (f), and, therefore, finds the Respondent actions cause a public safety and

welfare concern that warrants denial of Respondent's insurance producer's license application. Therefore, the Commissioner hereby orders Respondent's insurance producer's license application DENIED.

NOTICE

Respondent is notified that the Commissioner has issued this order denying his insurance producer's license application. If Respondent wishes to contest the allegations herein, he shall make a written request for a hearing to Roberta Cross Guns of this office within 15 days of receipt of this order. The hearing shall then be held within 20 days of the Commissioner's receipt of the hearing request unless otherwise agreed by the parties.

Should Respondent request a hearing, he has the right to be accompanied, represented and advised by counsel. If the counsel Respondent chooses has not been admitted to the practice of law in the State of Montana, he or she must comply with the requirements of *Application of American Smelting and Refining Co.*, 164 Mont. 139, 520 P.2d 103 (1973), and *Montana Supreme Court Comm'n on the Unauthorized Practice of Law v. O'Neil*, 2006 MT 284, 334 Mont. 311, 147 P.3d 200.

DATED this 13th day of June, 2010.

MONICA LINDEEN
Commissioner of Securities and Insurance


BY: Robert W. Moon
Deputy Insurance Commissioner

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served on the 13th day of June, 2011, by US mail, certified first-class postage paid, to the following:

Mr. John Olson
6000 Hwy 93 South #7
Missoula, MT 59802

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