



WHEREAS, the CSI alleged that the annuity holder did not authorize Respondent Company's representatives to contact the insurance company over the telephone on her behalf. Ultimately, the annuity holder did not proceed with the transaction;

WHEREAS, the CSI alleged Respondents violated § 33-17-1001 by allowing another to represent the annuity holder without permission;

WHEREAS, the CSI and Respondents 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 Respondents hereby agree to settle this matter pursuant to the following terms and conditions:

#### **STIPULATIONS AND CONSENTS**

1. Respondents stipulate and consent to the following:

A. Respondent Company shall pay a \$15,000 fine. Respondent Company shall pay the fine within six months upon execution of this Agreement. The fine must be made payable to the State of Montana and sent to the Office of the Commissioner of Securities and Insurance, Montana State Auditor, c/o Legal Bureau, 840 Helena Avenue, Helena, MT 59601;

B. Respondent Diamond, not currently licensed in Montana, will not seek to renew his insurance producer's license, #729014, and will not conduct any insurance or securities business in Montana.

2. All parties to this Agreement stipulate and agree as follows:

A. Respondents acknowledge they have read and understand each term of this Agreement and that they enter into this Agreement voluntarily and without reservation.

B. Respondents and the CSI agree that this Agreement resolves the alleged violations set forth in the Recitals and any other correspondence between the parties.

C. With respect to the Recitals, Respondents specifically and affirmatively waive a contested case hearing and their right to appeal under the Montana Administrative Procedure Act, including Title 2, chapter 4, part 7, and elect to resolve this matter on the terms and conditions set forth therein.

D. Respondents fully and forever release and discharge the CSI 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 the Recitals.

E. This Agreement is entered without adjudication of any issue, law, or fact. It is entered solely for the purpose of resolving the CSI's investigation and allegations and is not intended to be used for any other purpose.

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 the Respondents 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.

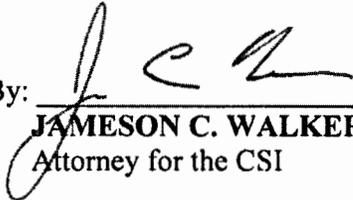
H. This Agreement shall be incorporated into and made part of the attached Final Order issued by the Commissioner of Securities and Insurance, Montana State Auditor (Commissioner), herein.

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

J. This 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 29<sup>th</sup> day of September, 2014

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

By:   
\_\_\_\_\_  
**JAMESON C. WALKER**  
Attorney for the CSI

DATED this 29<sup>th</sup> day of September, 2014

By:   
\_\_\_\_\_  
**MARK DIAMOND**  
Personally, and on Behalf of  
Respondent Company

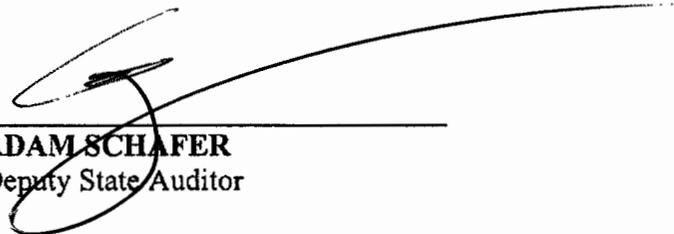
**FINAL ORDER**

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 Mark Diamond is adopted as if set forth fully herein.

DATED this 29 day of September, 2014.

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

By: 

**ADAM SCHAFER**  
Deputy State Auditor

cc: Jameson C. Walker  
Mark Diamond