

**BRETT O'NEIL**

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

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Attorney for the CSI

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

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IN THE MATTER OF:	)	CASE NO. INS-2012-45
	)	
FRANK ROBINSON,	)	<b>CONSENT AGREEMENT AND</b>
	)	<b>FINAL ORDER</b>
Respondent.	)	
	)	
	)	

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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 Frank Robinson (Respondent).

**RECITALS**

WHEREAS, Respondent plead guilty to the offense of Theft, a felony, in violation of Mont. Code. Ann. § 45-6-301(1)(a) for making unauthorized purchases on a credit card;

WHEREAS, Respondent completed an application for an insurance license in February 2011;

WHEREAS, the CSI denied Respondent's application until he had complied with all terms of his probationary period, including paying restitution in full;

WHEREAS, Respondent served his probationary period and paid restitution. The Honorable Katherine M. Irigoien struck Respondent's guilty plea and dismissed the charges relating to the deferred imposition of sentence;

WHEREAS, Respondent reapplied for a producer's license in February, 2012;

WHEREAS, the CSI may deny a license to a person convicted of a felony pursuant to Mont. Code Ann. § 33-17-1001(e);

WHEREAS, criminal convictions shall not operate as an automatic bar to being licensed to enter any occupation in the State of Montana. Mont. Code Ann. § 37-1-203. Completion of probation or parole supervision without any subsequent criminal conviction is evidence of rehabilitation in Montana. Mont. Code Ann. § 37-1-205; and

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

#### **STIPULATIONS AND CONSENTS**

I. Respondent stipulates and consents to the following:

A. Respondent shall be issued an insurance license with a line of authority to issue Surety.

B. Respondent shall submit monthly personal bank account statements and business account statements to the CSI from the date of this agreement. Respondent shall

notify the CSI of the monthly statement date and submit copies of the statement from one week of that date. These copies, and any other documents submitted to the CSI under this Consent Agreement and Final Order, shall be sent to the Office of the Commissioner of Securities and Insurance, Montana State Auditor, c/o Lisa Monroe, Legal Assistant, 840 Helena Avenue, Helena, MT 59601.

C. Respondent shall work under the supervision of a licensed producer for 18 months. Respondent and the supervising agent shall enter into a written agreement whereby the supervising agent shall submit quarterly reports to the CSI. The quarterly reports shall address Respondent's dealings with the supervising agent including, but not limited to, the number of new clients, gross premium collected on behalf of Respondent's clients, and confirmation that Respondent is depositing premium into the agency's trust account. The agreement shall be submitted to the CSI prior to Respondent entering into the insurance business.

D. Within two years from the date of this agreement, Respondent shall attend ten credit hours of Ethics Continuing Education. This is in addition to Respondent's statutory duties regarding Continuing Education. Within two weeks of attending a Continuing Education course, a copy of the Course Completion Certificate shall be submitted to the CSI.

E. Respondent shall submit other such information as the CSI may request.

F. 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.

G. 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. The CSI hereby agrees that it will not initiate any civil or administrative action against Respondent regarding the allegations contained in this action for so long as Respondent adheres to the terms of the Agreement.

C. This Agreement is entered without adjudication of any issue, law or fact. For any person or entity not a party to this Agreement, this Agreement does not limit or create any private rights or remedies against Respondent, limit or create liability of Respondent, or limit or create defenses of Respondent to any claims.

D. The applicable statute of limitation, Mont. Code Ann. § 33-1-707, 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 revoke licensure.

E. 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.

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

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

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

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

DATED this 23<sup>rd</sup> day of April, 2012

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

By: 

**BRETT O'NEIL**  
Attorney for the CSI

DATED this 20 day of April, 2012

  
**FRANK ROBINSON**

**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 Frank Robinson is adopted as if set forth fully herein.

DATED this 30 day of April, 2012.

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

By:   
**ADAM SCHAFFER**  
Deputy Commissioner

cc: Brett O'Neil