

BRETT O'NEIL
Office of the Commissioner of
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Attorney for the Securities Department

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

IN THE MATTER OF:) Case No.: INS-2013-237
)
BRUCE W. MCKINZIE) **CONSENT AGREEMENT AND**
) **FINAL ORDER**
)
Respondent.)
)

This Consent Agreement (Agreement) and Final Order (Order) 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. (Act), and Bruce McKinzie (Respondent), age 63, of Melbourne, FL.

RECITALS

WHEREAS, Respondent was a Montana licensed insurance producer, license #728258, at all times relevant to this agreement;

WHEREAS, the CSI received a complaint regarding an annuity application signed by Respondent;

WHEREAS, Respondent never became a resident producer, despite living in Billings, MT at all times relevant to this agreement;

WHEREAS, the CSI alleges that Respondent violated § 33-17-201 by not registering as a resident producer;

WHEREAS, the Respondent ceased all insurance business in 2013;

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

Respondent admits to the CSI's allegation, and stipulates and agrees to the following:

Respondent shall write no insurance business for a period of two years from the date of this Agreement.

With respect to the Recitals, Respondent specifically and affirmatively waives a contested case hearing and his right to appeal under the Montana Administrative Procedures Act, including Title 2, chapter 4, part 7, and elects to resolve this matter on the terms and conditions set forth therein.

Respondent fully and forever releases and discharges the CSI from any and all actions, claims, causes of action, demands, or expenses for damages or injuries, whether asserted or not asserted, known or unknown, foreseen or unforeseen, arising out of the Recitals.

Respondent acknowledges that he was advised of the right to be represented by legal counsel and declined that right.

Both parties to this Agreement stipulate and agree as follows:

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.

The CSI warrants and represents that so long as Respondent adheres to the terms of this Agreement, the CSI will not bring any further action against Respondent arising from facts known to the CSI as of the date of the Agreement.

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 seek any additional administrative penalties or further regulatory action;

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.

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

F. 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.

G. Upon the signing of the Final Order by the Commissioner, this Agreement and Final Order will be an order of the CSI. The CSI has jurisdiction over the enforcement of the Final Order, and failure to comply with it may constitute separate violations of the Act, as provided in Mont. Code Ann. § 30-10-305, and may result in subsequent legal action by the CSI.

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

I. 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 6th day of October, 2014

**OFFICE OF THE COMMISSIONER
OF SECURITIES AND INSURANCE**

By: 
BRETT O'NEIL

DATED this 30 day of August, 2014


BRUCE MCKINZIE

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 Office of the Commissioner of Securities and Insurance, Montana State Auditor, and Respondent, CAbi, LLC, is adopted as set forth fully herein.

DATED this 6th day of October, 2014.

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

By: _____


ADAM SCHAFFER
Deputy State Auditor