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

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IN THE MATTER OF	)	CASE NO. INS-2014-347
	)	
JOSHUA RAY WALKER	)	<b>FINAL AGENCY DECISION BY</b>
	)	<b>DEFAULT</b>
Respondent.	)	
	)	
	)	

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On March 16, 2016, the office of the Montana State Auditor, Commissioner of Securities and Insurance (CSI), filed a Notice of Proposed Agency Disciplinary Action and Opportunity for Hearing (Notice) against Joshua Ray Walker (Respondent), and served the Notice to Respondent at his last known address by mail. The Notice alleged that Respondent violated the Montana Insurance Code, Mont. Code Ann. § 33-1-101 et seq. (the Code).

Respondent has failed to plead or otherwise defend in this matter. On September 9, 2016, the CSI moved for entry of a final agency decision by default against Respondent.

Based upon the CSI's motion and attached Affidavit of Bryan Stanley, the Commissioner of Securities of Insurance, Montana State Auditor (Commissioner), makes the following determinations:

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## FINDINGS OF FACT

1. On or about May 16, 2014, a tire that the Respondent was hauling in a 1998 Dodge pickup rolled out and caused damage to another vehicle.
2. The Dodge pickup that Respondent was driving was uninsured.
3. Respondent received a citation for driving without insurance as a result of the accident.
4. Respondent falsely represented to Farmers Insurance Exchange (FIE), that he was driving a 1997 Chevrolet Truck insured by Respondent's Grandfather's business insurance policy in order to obtain coverage for the accident.
5. FIE paid \$2,580.08 in repairs on the claim, and \$235.97 for vehicle rental in connection to the claim.

## CONCLUSIONS OF LAW

1. The Commissioner has jurisdiction over this matter pursuant to the Code.
2. A person commits the act of insurance fraud when the person, for the purpose of obtaining any money or benefit, presents or causes to be presented to any insurer, purported insurer, producer, or administrator a statement containing false, incomplete, or misleading information concerning any fact or thing material to, as part of, or in support of a claim for payment or other benefit pursuant to an insurance policy. Mont. Code Ann. § 33-1-1202(1).
3. Respondent committed insurance fraud by falsely stating to FIE that Respondent was driving a truck that was insured under his grandfather's business policy at the time of the subject accident in order to obtain the benefit of insurance coverage, when in fact he was driving a truck that was uninsured.

4. The Commissioner may impose a fine up to \$25,000 for each act of insurance fraud, and must require the Defendant to make restitution to FIE. §§ 33-1-317, 33-1-1202, 33-1-1211.

ORDER

Based on those findings of fact and conclusions of law, it is ORDERED that:

1. Respondent shall pay a fine of \$5,000 to the Montana State Auditor's Office, 840 Helena Avenue, Helena, MT 59601;
2. Respondent shall make full restitution to FIE in the amount of \$2,816.05.
3. All fines must be paid, and restitution made, no later than thirty (30) days from the date of this order.

DATED this 15<sup>th</sup> of September, 2016.

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

cc: Mike Winsor  
Joshua Ray Walker