

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

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IN THE MATTER OF:	)	Case No.: INS-2014-72
	)	
BIG SKY FINANCIAL	)	
OF HELENA, INC.,	)	<b>CONSENT AGREEMENT AND FINAL</b>
	)	<b>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 Big Sky Financial of Helena, Inc. (Respondent) (collectively, the parties).

**RECITALS**

WHEREAS, Respondent is a financial services corporation registered to do business in Montana;

WHEREAS, between September 20, 2013, and October 22, 2013, an employee of Respondent sold eight credit insurance policies;

WHEREAS, at the time of the sales, neither Respondent nor the employee was licensed as an insurance producer in Montana;

WHEREAS, the sale of insurance in Montana while not properly licensed as an insurance producer violates Mont. Code Ann. § 33-17-201; and

WHEREAS, the parties 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 parties agree to settle this matter with the following terms and conditions:

**STIPULATIONS AND CONSENTS**

1. Respondent stipulates and agrees as follows:
  - A. The allegations set forth above are true and correct.
  - B. Respondent shall pay an administrative fine in the amount of \$1,500 within 30 calendar days following the 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 Nick Mazanec, 840 Helena Avenue, Helena, MT 59601.
  - C. Respondent will comply with the terms and conditions of this Agreement, the Code, and all other regulations of the State of Montana.
  - D. With respect to the Recitals, Respondent specifically and affirmatively waives a contested case hearing and his right to appeal under the Montana Administrative Procedure Act, Mont. Code Ann. § 2-4-101 et seq. (MAPA), and elects to resolve this matter on the terms and conditions set forth therein.
  - E. Respondent acknowledges that it was advised of the right to be represented by legal counsel and, if represented by legal counsel, that such legal representation was satisfactory.

F. Respondent acknowledges that this Agreement is signed by an authorized representative, who has read and understands each term of this Agreement.

G. Respondent acknowledges and enters into this Agreement voluntarily and without reservation.

H. 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 unasserted, known or unknown, foreseen or unforeseen, arising out of the Recitals.

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

A. This Agreement resolves the matter set forth in the Recitals, and the CSI has no intention to impose any penalty, fine, or other disciplinary action, for the conduct detailed therein.

B. This Agreement is entered without adjudication of any issue, law, or fact. It is entered solely for the purpose of resolving the matter described in the Recitals and is not intended to be used for any other purpose. For any person or entity not a party to this Agreement, this Agreement does not alter, limit, or create any private rights or remedies against the parties.

C. This Agreement constitutes the entire agreement between the parties on this matter. No other promises or agreements, either express or implied, have been made between the CSI, or any member, officer, agent, or representative of the CSI, and Respondent related to this matter.

D. This Agreement may not be modified orally. Any subsequent modifications to this Agreement must be in a mutually-agreed writing with the same formality as this Agreement.

E. 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.

F. 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 16<sup>th</sup> day of April, 2014

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

By:   
\_\_\_\_\_  
**NICK MAZANEC**  
Attorney for the CSI

DATED this 9<sup>th</sup> day of April, 2014

**BIG SKY FINANCIAL OF  
HELENA, INC.**  
By:   
\_\_\_\_\_  
Authorized Representative

**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 Big Sky Financial of Helena, Inc. is adopted as set forth fully herein.

DATED this 14<sup>th</sup> day of April, 2014.

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

By:   
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**ADAM SCHAFFER**  
Deputy State Auditor