

**BRETT O'NEIL**  
Office of the Montana State Auditor,  
Commissioner of Securities & Insurance (CSI)  
840 Helena Avenue  
Helena, MT 59601  
(406) 444-2040

Attorney for the CSI

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

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IN THE MATTER OF:	)	Case No.: INS-2015-119
Gaynor Resorts, Inc.,	)	
Respondent.	)	<b>CONSENT AGREEMENT</b>
	)	
	)	

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This Consent Agreement (Agreement) is entered into by the Office of the Montana State Auditor, Commissioner of Securities and Insurance (CSI), acting pursuant to the authority of the Montana Insurance Code, Mont. Code Ann. § 33-1-101 et seq. (Code), and Gaynor Resorts, Inc. (Respondent).

**RECITALS**

- WHEREAS, Respondent participated in the Insure Montana program;
- WHEREAS, Respondent claimed family members as employees who were not working the minimum time requirements of 30 hours per week;
- WHEREAS, Respondent received premium incentive payments in excess of 50 percent of the total qualifying premium;
- WHEREAS, the CSI alleged Respondent violated § 33-22-2006(10);

;

WHEREAS, Respondent has already agreed to refund \$14,258.70, and has in fact paid the majority of that amount to the CSI;

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 admits that all recitals are true and accurate:
  - A. Within thirty days of the execution of this Agreement, Respondent shall pay a fine of \$500.00. The fine must be made payable to the Montana State Auditor's Office and sent to the Office of the Montana State Auditor, Commissioner of Securities and Insurance, c/o Lisa Monroe, Legal Assistant, 840 Helena Avenue, Helena, MT 59601.
  - B. Respondent will continue to make payments until the entire amount of overpayments have been paid in full.
  - C. Respondent will comply with the terms and conditions of this Agreement, the Code, and all other regulations of the State of Montana.
  - D. If Respondent fails to comply with this Agreement, or violates any other provision of the Code, the CSI may take regulatory action regarding the allegation herein.
  - E. 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.

F. Respondent acknowledges that he was advised of the right to be represented by legal counsel and, if represented by legal counsel, that such legal representation was satisfactory.

G. Respondent acknowledges that he has read and understands each term of this Agreement, and that he enters into this Agreement voluntarily and without reservation.

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

A. This Agreement resolves the matter set forth in the Recitals.

B. 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.

C. 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.

D. 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 any member, officer, agent, or representative of the CSI to induce Respondent to enter into this Agreement.

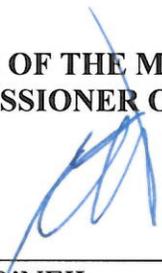
E. This Agreement may not be modified orally. Any subsequent modifications to this Agreement must be in a mutually-agreed writing with the same formality as this Agreement.

F. Each party shall bear its own costs for this matter, including attorneys' fees.

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

DATED this 8<sup>th</sup> day of July, 2015.

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

  
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BRETT O'NEIL  
Attorney for the CSI

DATED this 2<sup>nd</sup> day of July, 2015.

**Gaynor Resorts, Inc.**  
By:   
Its: 

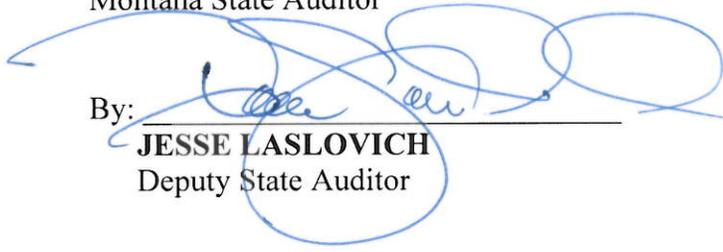
**FINAL ORDER**

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 (Agreement) between the Office of the Commissioner of Securities and Insurance, Montana State Auditor, and Respondent Gaynor Resorts, Inc., and good cause appearing,

IT IS HEREBY ORDERED that the foregoing Agreement is adopted as set forth fully herein.

DATED this 8th day of July, 2015.

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

By: 

**JESSE LASLOVICH**  
Deputy State Auditor