

MICHAEL A. KAKUK
Office of the Montana State Auditor
Commissioner of Securities and Insurance
840 Helena Avenue
Helena, MT 59601
(406) 444-2040
mkakuk@mt.gov

Attorney for the CSI

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

IN THE MATTER OF:)	CASE NO. INS-2015-207
)	
SUMMIT COLLISION CENTER, LLC,)	CONSENT AGREEMENT AND
and STEVEN D. PIERCE,)	FINAL ORDER
)	
Respondents.)	

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), Summit Collision Center, LLC (Summit), and Steven D. Pierce (Pierce). To the extent Summit Collision Center, Inc. is a separate legal entity and was involved in the underlying conduct in this action, it is also included as a Respondent for purposes of this settlement. The Final Order (Order) is issued by the authority of the Commissioner of Securities and Insurance, Office of the Montana State Auditor (Commissioner).

RECITALS

WHEREAS, the CSI alleges that on or about May 13, 2015 and May 18, 2015, Summit and Pierce (Respondents) knowingly violated § 33-1-1202(1) by providing false information regarding the repairs on a 2014 Toyota Tundra to Safeco Insurance Company (Safeco);

WHEREAS, Respondents have reimbursed Safeco in the amount of \$1,810.32; and

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

STIPULATIONS AND CONSENTS

I. Respondents stipulate and consent to the following:

A. Respondents neither admit nor deny that the allegations set forth in the Recitals are true and correct.

B. Respondents shall pay, jointly and severally, an administrative penalty to the State of Montana in the amount of \$10,000.00, all but \$2,000.00 of which shall be suspended. In the event that any Respondent commits any other violation of the Insurance Code within two years of the effective date of this Agreement, that Respondent shall pay the remaining \$8,000.00 to the CSI. The current \$2,000.00 payment shall be paid to the CSI within 14 days of the effective date of this Agreement. Payment shall be sent to:

Office of the Montana State Auditor
c/o Darla Sautter
840 Helena Avenue
Helena, MT 59601

C. Respondents agree to comply with the provisions of the Code. As stated in ¶ B, above, in the event any Respondent commits another violation of the Code within two years of the execution of this Agreement, that Respondent shall pay a fine of \$8,000.00 to the CSI, in addition to any other penalty the CSI may impose based on that future violation.

D. Respondents fully and forever release and discharge 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:

E. Respondents specifically and affirmatively waive their rights to a contested case hearing and all rights to appeal under the Montana Administrative Procedure Act, Mont. Code Ann. § 2-4-101 et seq., and elect to resolve this matter with this Agreement.

F. Respondents acknowledge that they were advised of the right to be represented by legal counsel and if represented by legal counsel, that such legal representation was satisfactory.

G. Respondents acknowledge that they enter into this Agreement voluntarily and without reservation.

II. All parties to this Agreement stipulate and consent as follows:

A. The Commissioner and the CSI have jurisdiction over the subject matter of this matter.

B. This Agreement is entered without adjudication of any issue, law, or fact. This Agreement covers the factual allegations against Respondents and any related entities addressed above. It is entered into solely for the purpose of resolving the CSI's allegations 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 limit or create any private rights or remedies against Respondents, limit or create liability of Respondents, or limit or create defenses of Respondents to any claims.

C. The applicable statute of limitations is tolled for two years from the date of execution of this Agreement with regard to the allegations in the Recitals. In the event either Respondent violates the terms of this Agreement at any time before the applicable statute of limitations has run, the CSI reserves the right to seek any additional administrative penalties or further regulatory action, as described above.

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 by any member, officer, agent, or representative of the CSI to induce Respondents 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, with the same formality as this Agreement, to be effective.

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

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

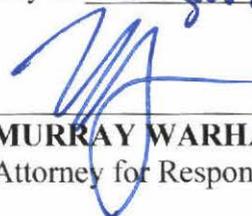
H. This Agreement is a public record under Montana law and, as such, may not be sealed or otherwise withheld from the public.

DATED this 17th day of August, 2016.

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

By: 
MICHAEL A. KAKUK
Attorney for the CSI

APPROVED AS TO FORM on this 16 day of August, 2016.

By: 
MURRAY WARHANK
Attorney for Respondents

DATED this ___ day of _____, 20__.

**SUMMIT COLLISION CENTER LLC, AND
SUMMIT COLLISION CENTER, INC.**



Signature

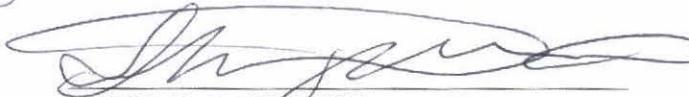
Steven Pierce

Name

Owner

Title

DATED this 15th day of August, 2016.



STEVEN D. PIERCE

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 Respondents Summit Collision Center, LLC, Summit Collision Center, Inc., and Steven D.

Pierce is adopted as if set forth fully herein.

DATED this 18 day of August, 2016.

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

By: 

ANDREW POSEWITZ
Deputy State Auditor