

JENNIFER HUDSON
Office of the Montana State Auditor,
Commissioner of Securities and Insurance (CSI)
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Helena, MT 59601
(406) 444-2040

Attorney for the CSI

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

IN THE MATTER OF THE INSURANCE)	Case No.: INS-2015-3
PRODUCER LICENSE OF RINDI SUE)	
POCHA (LICENSE #668765),)	CONSENT AGREEMENT AND FINAL
)	ORDER
)	
Respondent.)	
_____)	

This Consent Agreement (Agreement) and Final Order (Order) are 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 Rindi Sue Pocha (Respondent).

RECITALS

WHEREAS, Respondent is a Montana resident who obtained and has maintained an individual insurance producer license since June 20, 2006;

WHEREAS, Respondent was employed by Knapp Insurance Agency, Inc. (Knapp Insurance) from approximately December 3, 2007, until May 1, 2014;

WHEREAS, while working for Knapp Insurance, it is alleged that Respondent violated provisions of the Montana Insurance Code;

WHEREAS, since May 1, 2014, Respondent has not been employed as an insurance producer;

WHEREAS, Respondent's producer license expired on October 31, 2015;

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

1. Respondent stipulates and agrees to the following:
 - A. Respondent admits that the allegations contained in the Recitals are true and correct.
 - B. Respondent shall, within a year from date of license expiration, take the necessary continuing education courses, confirm that those courses are reported to the CSI, and pay the fine necessary to renew her lapsed license.
 - C. Respondent shall, in addition to the 21 continuing education credits required to renew her lapsed license, take nine credits of approved continuing education courses in ethics, for a total of at least 30 continuing education credits, and report proof of those credits to the CSI within one year from lapse.
 - D. Respondent shall, as part of the 21 continuing education credits required to renew her lapsed license, take at least one course on the topic of errors and omissions coverage for insurance producers.

E. If/when the Respondent's license is renewed and the Respondent obtains employment as an insurance producer, Respondent shall have a supervising agent for at least two years. Respondent shall inform the supervising agent of her heightened supervisory status and the supervisor's duty to produce quarterly reports to the CSI, as detailed below.

F. In order for Respondent to conduct business as an insurance producer, Respondent must have her supervising agent submit quarterly supervision reports to the CSI for two years from the date of her hire after her license is renewed. The reports must outline steps the supervisor has taken to ensure Respondent is compliant with the Montana Insurance Code and may be mailed to the CSI, c/o Lisa Monroe, 840 Helena Ave., Helena, MT 59601, and include a statement that the supervising agent has reviewed Respondent's insurance business and that respondent is compliant with the Montana Insurance Code.

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

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 not asserted, known or unknown, foreseen or unforeseen, arising out of the Recitals or this Agreement.

I. Respondent acknowledges that she has read and understands each term of this Agreement and that she enters into this Agreement voluntarily and without reservation.

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

A. The CSI has jurisdiction over the subject matter of this Agreement.

B. This Agreement resolves the alleged violations set forth in the Recitals.

C. The CSI warrants and represents that so long as Respondent complies with 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 relating to the Recitals.

D. 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.

E. The applicable statute of limitations 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 before the applicable statute of limitations has run, the CSI reserves the right to seek any additional administrative penalties or further regulatory action.

F. 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.

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

H. This Agreement shall be incorporated into and made part of the attached Final Order issued by the Commissioner of Securities and Insurance, Office of the Montana State Auditor (Commissioner), herein.

I. The Order will be an order of the Commissioner and is effective upon signing. The CSI has jurisdiction over the enforcement of the Order, and failure to comply with it may constitute separate violations of the Act, as provided in Mont. Code Ann. § 33-1-318, and may result in subsequent legal action by the CSI.

J. This Agreement shall be effective upon signing of the Order.

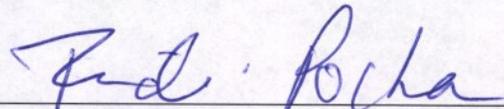
K. This Agreement and Order are public records under Montana law and as such may not be sealed or otherwise withheld from the public.

DATED this 1st day of June, 2016.

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

By:  Michael A. Kukul
for **JENNIFER HUDSON**
Attorney for the CSI

DATED this 1st day of June, 2016.


RINDI SUE POCHA

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 Montana State Auditor, Commissioner of Securities and Insurance, and Respondent, Rindi Pocha, is adopted as set forth fully herein.

DATED this 2 day of June, 2016.

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

By: 
ANDREW POSEWITZ
Deputy State Auditor