

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

IN THE MATTER OF:)	CASE NO. INS-2016-55
)	
TENA DEWEY, formerly TENA)	CONSENT AGREEMENT AND
BERKRAM, In Her Capacity as)	FINAL ORDER
Insurance Producer License #726507,)	
)	
Respondent.)	

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 Tena Dewey, formerly Tena Berkram (Respondent).

RECITALS

WHEREAS, Respondent is a Montana resident who originally obtained an individual insurance producer license in 2003. Since 2003, she has had two lapses and one revocation of her license due to failure to complete continuing education requirements. She has been continually licensed since 2013;

WHEREAS, Respondent was employed by The Insurance Exchange, LLC, in Ronan, Montana, in the years 2014 and 2015;

WHEREAS, in 2014 Respondent wrote an insurance policy for coverage by Progressive insurance for a vehicle owned by her son, who did not live at the address on the policy;

WHEREAS, in 2014 Respondent wrote an insurance policy for coverage by Progressive insurance for a vehicle owned by her son, and there was no appointment of Respondent or her agency from Progressive;

WHEREAS, in March 2015 Respondent changed the deductible applicable to the above Progressive policy after a reported loss occurred (on March 25, 2015), with an effective date prior to the loss;

WHEREAS, the CSI alleges that Respondent's actions with regard to the policy described above constitute insurance fraud, as specified in Mont. Code Ann. § 33-1-1202; 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 parties agree to settle this matter with the following terms and conditions:

STIPULATIONS AND CONSENTS

I. **Respondent** stipulates and consents to the following:

A. Respondent admits that all recitals are true and correct;

B. Within thirty (30) days of the execution of this Agreement, Respondent shall pay a fine/penalty of \$500. Payment shall be in the form of a cashier's check made to the Montana State Auditor, and sent to:

Montana State Auditor, Commissioner of Securities
and Insurance
c/o Darla Sautter, Legal Assistant
840 Helena Avenue
Helena, MT 59601;

C. Respondent shall, in addition to the 24 continuing education credits required in this biennium (ending July 2017), take an additional three (3) credits of approved continuing education courses in ethics, for a total of at least 6 continuing education credits regarding ethics, and report proof of those credits to the CSI by August 1, 2017;

D. Respondent shall thoroughly read, remain familiar with, and obey all laws and rules pertaining to the conduct of insurance producers in Montana;

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 unasserted, known or unknown, foreseen or unforeseen, arising out of this Agreement;

F. Respondent specifically and affirmatively waives a contested case hearing and all rights to appeal under the Montana Administrative Procedure Act, Mont. Code Ann. § 2-4-101 et seq., and elects to resolve this matter on the terms and conditions set forth herein;

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

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

II. **All parties** to this Agreement stipulate and consent 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.

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 regarding the Recitals 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 CSI's investigation and allegations, and is not intended to be used for any other purpose;

D. In the event Respondent violates any of the terms of this Agreement within of two years from the date of execution of this Agreement, the CSI may engage in further regulatory action, including administrative penalties;

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

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

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

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

DATED this 13th day of May, 2016.

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

By: Barbara C. Harris
BARBARA C. HARRIS
Attorney for the CSI

DATED this 25th day of April, 2016.

Tena Dewey
TENA DEWEY, formerly TENA BERKHAM

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 Tena Dewey, formerly Tena Berkram, is adopted as if set forth fully herein.

DATED this 13 day of May, 2016.

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

By: _____


ANDREW POSEWITZ
Deputy State Auditor

cc: Barbara C. Harris
Respondent Dewey