

BARBARA C. HARRIS
Office of the Montana State Auditor
Commissioner of Securities and Insurance (CSI)
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Attorney for the CSI

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

IN THE MATTER OF)	CSI Case Number: INS-2016-59
)	
JOHN DeROSE,)	MOTION FOR FINAL AGENCY
)	DECISION BY DEFAULT
)	
Respondent.)	

Barbara C. Harris, attorney for the Office of the Montana State Auditor (CSI), moves the Commissioner of Securities and Insurance (Commissioner) for a final agency decision by default against Respondent John DeRose.

The following procedural timeline is relevant:

1. A Notice of Proposed Agency Action and Opportunity for Hearing (Notice) was signed on May 23, 2016; the Notice set out the facts supporting the CSI's allegation that the Respondent was involved in transactions resulting in the sale of a surplus lines insurance policy to Collection Bureau Services, Inc. in Missoula, Montana, while Respondent was not licensed to sell, solicit, or negotiate property or casualty insurance in Montana. Further facts supporting the allegation are set out more fully in the Notice. The CSI seeks payment of a fine of up to \$5,000 per occurrence pursuant to Montana

Code Annotated Section 33-10-317 and any other relief deemed just and proper by the Commissioner.

2. As to the procedure to be followed, the Notice included the following statement directed to Respondent:

Your written demand for a formal hearing must be received by Barbara C. Harris on or before June 16, 2016. Failure to make written demand for a formal hearing will result in the entry of a default order by the Commissioner ordering the actions requested above. THIS WILL HAPPEN WITHOUT ANY ADDITIONAL NOTICE TO YOU IF YOU DO NOT MAKE WRITTEN DEMAND AS SET OUT ABOVE. Administrative Rule of Montana 1.3.214.

Notice at 5.

3. The Notice was sent on May 23, 2016, by certified mail, to Respondent at the address of Hartan Brokerage, Inc., where he was working at the time the policy was solicited and sold in Montana. That address is 33 West 60th Street, #6, New York, NY, 10023. It was delivered to Hartan Brokerage, Inc. on June 14, 2016.

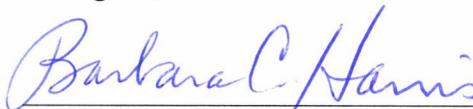
4. On July 14, 2016, the CSI sent the notice to Respondent at an address published on the internet which listed Respondent as an employee. That address is Worldwide Facilities, LLC, 80 Broad Street, New York, NY, 10004. The item of mail was received by Worldwide Facilities on July 18, 2016.

5. On July 18, 2016, the undersigned received a telephone message from Respondent. She responded by telephone and told Respondent that he must respond to the Notice by August 1, 2016, to request a hearing. To date, no such response or request has been received by the undersigned or, to her knowledge, by the CSI.

Request for Default Decision

Because Respondent has not requested a hearing within the 21 days provided in the Notice, the Commissioner has authority to enter a final agency decision by default. Mont. Code Ann. §§ 2-4-601 et seq., 33-1-701. The CSI requests the relief set out in the Notice dated May 23, 2016.

DATED this 31ST day of August, 2016.



BARBARA C. HARRIS
Attorney for CSI

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 31ST day of August, 2016, a true and correct copy of the foregoing Motion for Final Agency Decision by Default was served upon the following by certified mail, postage prepaid, return receipt requested:

John DeRose
Worldwide Facilities, LLC
80 Broad Street
New York, NY 10004

