

**JAMESON C. WALKER**  
Office of the Commissioner of  
Securities & Insurance  
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Attorney for the Securities Department

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

IN THE MATTER OF: ) Case No.: SEC-2010-67  
)  
Trent Horswill, ) **CONSENT AGREEMENT AND**  
) **FINAL ORDER**  
) 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 Trent Horswill (Respondent).

**RECITALS**

WHEREAS, on or around December 6, 2009, Respondent collided with three vehicles in Butte, Montana. Respondent was driving a truck insured through his mother's policy with Safeco Insurance Company of America (Safeco). Respondent did not immediately inform the police or owners of the vehicles of the accident, despite causing approximately \$15,387.56 in damages.

WHEREAS, on December 18, 2009, Respondent's mother filed an insurance claim with Safeco. Based on what Respondent had told her, she informed Safeco that the vehicle struck a deer. Respondent

later confirmed this with Safeco, explaining that the accident happened at night and he dragged the deer off the road.

WHEREAS, on or around December 23, 2009, Butte Police officers determined that Respondent's truck was involved in the hit and run incident on or around December 6, 2009. During a subsequent interview with the police, Respondent denied that he hit the vehicles, again asserting the vehicle struck a deer.

WHEREAS, on or around December 29, 2009, Respondent's mother withdrew her insurance claim with Safeco. She explained that Respondent admitted he hit several vehicles instead of the deer. Safeco interviewed Respondent, who admitted he lied about hitting a deer.

WHEREAS, the CSI alleges that the Respondent violated Mont. Code Ann. § 33-1-1202(1) (2009) by making a misrepresentation to an insurer concerning any fact in support of an insurance claim, for the purpose of obtaining a benefit; and

WHEREAS, the CSI and the Respondent agree that the best interests of the public would be served by entering into this Agreement. The incident, not involving violations of Mont. Code Ann. § 33-1-1202(1), was handled by Silver Bow County. Respondent has not since violated Montana Law.

NOW THEREFORE, in consideration of the mutual undertakings contained in this Agreement, the CSI and the Respondent hereby agree to settle this matter pursuant to the following terms and conditions:

### **STIPULATIONS AND CONSENTS**

I. Without admitting or denying any of the CSI's allegations, the Respondent stipulates and consents to the following:

A. Within ten days from the execution of this Agreement, the Respondent shall pay a \$250.00 fine to the state of Montana. The fine should be made payable to the state of Montana and sent to the CSI, c/o Jameson C. Walker, Attorney, 840 Helena Avenue, Helena, MT 59601.

B. The Respondent fully and forever releases and discharges the Commissioner of Securities and Insurance (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.

C. This Agreement is entered without adjudication of any issue, law or fact. It is entered into solely for the purpose of resolving the CSI's investigation and 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 the Respondent including limit or create liability of Respondent, or limit or create defenses of Respondent, to any claims.

D. Upon execution of this Agreement, the Respondent acknowledges and waives its right to appeal the Commissioner's Order.

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.

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

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

H. Upon execution of this Agreement, the CSI will not commence an administrative action against the Respondent based upon the activities giving rise to the CSI's investigation that occurred prior to the execution of this Agreement.

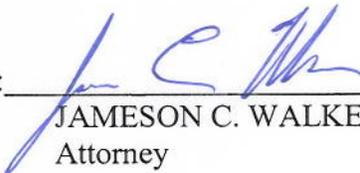
I. This Consent Agreement shall be effective upon signing of the Final Order.

J. Respondent further understands that, upon the signing of the Final Order by the Commissioner or her representative, this Agreement will be an order of the Commissioner and failure to comply with the same may constitute separate violations of the Montana Insurance Code and/or other applicable statutes or rules, and may result in subsequent legal action by the CSI.

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

DATED this 26<sup>th</sup> day of January, 2011

**INSURANCE DEPARTMENT**

By:   
\_\_\_\_\_  
JAMESON C. WALKER  
Attorney

DATED this 21<sup>st</sup> day of January, 2011

Trent M. Horswill  
TRENT HORSWILL

Subscribed and sworn to before me this 21<sup>st</sup> day of January 2011, by Trent Horswill.

(SEAL)

Patrick T. Fleming  
Notary Public for the State of Montana  
PATRICK T. FLEMING  
Residing at Butte, MT  
My commission expires 2-8-2011

Content approved by Attorney for Trent Horswill:

William M. O'Leary  
WILLIAM M. O'LEARY

**FINAL ORDER**

Pursuant to the authority vested by Mont. Code Ann. § 2-4-603 and the Montana Insurance Code, Mont. Code Ann. § 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 the Respondent Trent Horswill is adopted as if set forth fully herein.

DATED this 20th day of JANUARY, 2011.

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

By: Robert Moon  
ROBERT MOON  
Deputy Insurance Commissioner

cc. Jameson C. Walker