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

In the Matter of the Proposed Agency
Action Against Ashley Marie
Limberhand

Case No. INS-2022-234

**NOTICE OF PROPOSED AGENCY
ACTION AND OPPORTUNITY
FOR HEARING**

TO: Ashley Marie Limberhand
11 Hilltop Road
Glasgow, MT 59230

The Commissioner of Securities and Insurance, Office of the Montana State Auditor, (“CSI” or “Commissioner”) has cause to believe that Ashley Marie Limberhand (“Respondent”) has violated the Montana Insurance Code, §§ 33-1-101, *et seq.*, MCA. The Commissioner proposes a fine of \$500.00 for administrative insurance fraud. The Commissioner has the authority to take these actions under §§ 33-1-311, 33-1-317, 33-1-1202, 33-1-1211, 33-1-1302, MCA, and as more fully described below. The following is a proposed agency action.

Acceptance of CSI's proposed action will resolve this matter and it will be deemed a Final Agency Action based on the facts and law set out below. If Respondent chooses not to accept the proposed action, she may demand an administrative hearing, but that demand must be in writing and received by the Commissioner within 24 days of the date this Notice, as described in the Statement of Rights below.

FACTUAL ALLEGATIONS

1. During the period of time at issue in this matter, Respondent was a resident of Montana, residing at 11 Hilltop Road, Glasgow, MT 59230.

2. During the period of time at issue in this matter, Respondent was the owner of a 2010 Toyota Tacoma.

3. On February 4, 2022, at or shortly before 12:18 p.m., Respondent was a passenger in the Tacoma driven by Tessa Youngman southbound on Montana Highway 3 approximately two miles north of Broadview, Montana.

4. At that time, the Tacoma struck a deer in the roadway, resulting in significant damage to the Tacoma.

5. Respondent did not have insurance at the time of the crash.

6. Respondent took a photo of the car at 12:18 p.m. and posted it to Snapchat, according to a screenshot of the photo later provided by Respondent to insurance investigators.

7. Electronic timestamp data shows that after the crash, at 12:19 p.m., Respondent applied for and obtained an automobile insurance policy for the Tacoma online from GEICO Insurance Company (“GEICO”).

8. At 12:20 p.m. on that date, Respondent called 911 to report the accident, according to the Montana Highway Patrol report of the crash and Respondent’s cell phone records.

9. GEICO records show that at 2:46 p.m. that same day, Respondent filed a claim with GEICO for this crash, but she falsely reported to GEICO that the crash occurred at 1:00 p.m.

10. On February 23, 2022, a GEICO investigator called Respondent on a recorded line. Respondent falsely stated that the crash occurred between 12:30 p.m. and 1:00 p.m. on February 4, 2022. She also stated that she obtained the GEICO policy approximately 45 minutes before the accident.

11. Respondent falsely told the investigator that she was at Eddie’s Corner outside of Moore, Montana, at the time she bought the insurance coverage. However, according to GPS data, Eddie’s Corner is nearly 100 miles and a 1.5 drive away from the site of the crash.

12. GEICO ultimately denied Respondent’s claim because the subject accident occurred prior to the inception of the policy.

ASSERTIONS OF LAW

1. The Commissioner takes this action under the authority granted to him by the Montana Insurance Code (§ 33-1-101, MCA, et seq.), which authorizes the Commissioner to act in protection of insurance consumers and in the public interest.

2. After following the procedures provided by § 33-1-701, MCA and upon a finding by the Commissioner that a violation of the Montana Insurance Code has occurred, the Commissioner may impose a fine of up to \$25,000 upon a person who violates § 33-1-1202, MCA. *See* § 33-1-317, MCA.

3. A person commits the act of administrative insurance fraud under § 33-1-1202(1), MCA when the person causes a written or oral statement to be presented to an insurer for the purpose of obtaining money or another benefit that contains false, incomplete, or misleading information regarding a fact material to a claim for payment or other benefit under the policy.

4. Respondent committed insurance fraud on February 4 and 23, 2022, by knowingly and intentionally presenting materially false information about the time of her crash to GEICO in support of her insurance claim.

PROPOSED AGENCY ACTION

The Commissioner in his discretion, considering the gravity, number of offenses, and financial loss involved, and to protect the public health, safety, and

welfare, and after a hearing conducted under § 33-1-701, MCA, proposes a fine of \$500.00.

STATEMENT OF RIGHTS


Respondent is entitled to contest the Commissioner's proposed action by requesting an administrative hearing. To do so, within 24 days of the date this Notice, Respondent must submit a hearing request in writing to Andrew J. Cziok, 840 Helena Avenue, Helena, MT 59601 or CSILegalService@mt.gov. A hearing request “must specify the grounds relied upon as a basis for the relief sought at the hearing.” M.C.A. § 33-1-701. It may also include a response to the allegations set forth above. If a hearing is requested, Respondent will be provided notice of the time, place, and nature of the hearing. Respondent will be entitled to attend this hearing and respond and present evidence and arguments on all issues involved in this action.

Administrative hearings are conducted by an impartial hearing examiner appointed by the Commissioner under the provisions of the Montana Administrative Procedures Act. Formal proceedings may be waived pursuant to § 2-4-603, MCA. Respondent has the right to be represented by an attorney at any and all stages of this proceeding.

POSSIBILITY OF DEFAULT

Failure to timely provide a written hearing request shall result in the entry of a default order imposing the Commissioner's proposed action, without additional notice, pursuant to Montana Administrative Rule 1.3.214.

DATED September 19, 2022.

By: 

Andrew J. Cziok, Legal Counsel
Commissioner of Securities and Insurance
Office of the Montana State Auditor

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Notice of Proposed Agency Action to be mailed to:

Ashley Marie Limberhand
11 Hilltop Road
Glasgow, MT 59230

DATED: September 19, 2022