

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

IN THE MATTER OF

HARLEY LANE WILDMAN,

Respondent.

Case No. INS-2022-00093

**FINAL AGENCY ACTION AND
DEFAULT ORDER**

On August 4, 2022, counsel for the Commissioner of Securities and Insurance, Office of the Montana State Auditor (“Commissioner”), served a Notice of Proposed Agency Action and Opportunity for Hearing (“NOPAA”) on Harley Lane Wildman (“Respondent”) by US Mail with tracking capability.

The NOPAA was delivered August 19, 2022. A copy of the tracking receipt is attached and marked as Exhibit A. A copy of the NOPAA is attached as Exhibit B. The NOPAA provided Respondent an opportunity for an administrative hearing if requested within 24 days of the date of the NOPAA. The deadline for Respondent to request an administrative hearing to challenge the NOPAA was August 28, 2022. The NOPAA warned that failure to respond and request a hearing by the deadline would result in a default order.

Therefore, a default order will issue, since Respondent has failed to request an administrative hearing. Mont. Admin. R. 1.3.214. The Commissioner considered the evidence and exhibits and makes the following determinations:

FINDINGS OF FACT

1. During the period of time at issue in this matter, Respondent was a resident of Montana, residing at 448 Lower Deep Creek Road, Townsend, Montana 59644. Respondent is not licensed as an insurance producer or insurance adjuster in Montana.

2. On or about April 11, 2021, Respondent obtained a renter’s insurance policy (“the policy”) from Assurant, which is the parent company of American Bankers Insurance Company of Florida (“American Bankers Insurance”), for Respondent’s residence at 448

Lower Deep Creek Rd. Townsend, Broadwater County, Montana, 59644. The insurance policy provided \$6,000 in coverage, with a \$250 deductible, to Respondent's personal property.

3. On or about April 16, 2021, just five days after obtaining the policy, Respondent submitted a claim on the policy. Respondent reported he was leaving his house at about seven o'clock in the morning on April 16, 2021. Respondent said he was gathering his things and putting them in his car. Respondent stated he went to get his Apple MacBook Pro laptop computer out of the garage, and he noticed it was not where he had left it the night before. Respondent said he searched for and could not locate the laptop. Respondent said he attempted to remotely locate the laptop through the "Find My Mac" cloud website, but the website reported the computer being offline and unable to be located. Respondent said he locked the laptop remotely and put a message to return it to his address or to contact him, along with Respondent's phone number and address. Respondent then said the only reasonable explanation for the disappearance of his laptop was that someone took it. Respondent stated he reported the theft to the Broadwater County Sheriff's Office.

4. On or about April 21, 2021, Respondent's claim was referred to American Bankers Insurance's Special Investigation Unit due to Respondent submitting a claim shortly after purchasing the insurance policy. On or about April 21, 2021, Laz Vazquez, a claims representative for American Bankers Insurance contacted Respondent and requested Respondent submit several documents, including a claim form, inventory list, proof of ownership, and a police report. Respondent reported to Laz Vazquez the police report number was "Cr2143665" and the report was made with a "Deputy Cordova" of the Broadwater County Sheriff's Office.

5. On or about April 26, 2021, Respondent submitted a copy of the previously requested police report. "Broadwater County Sheriff's Office" is printed on the top of the report. The report is dated as being made on April 16, 2021. The report has a line for a report number and "CR-21-43365" is typed on that line. Respondent is named as the person who made the report. The report purports to be written by "Deputy Cordova Badge

Number 113.” Underneath this information are four sections, a section for victim information, a section for suspect information, a section for incident information and a section for items taken. The victim section of the report names Respondent as the victim and lists Respondent’s date of birth, race, sex, social security number, height, weight, eye color, hair color, address, and phone number. There is no information filled out on the suspect portion of the report. The incident section of the report contains typed information concerning the details of the theft. The report purports the theft occurred on April 16, 2021, in the late evening or early morning. The report purports the theft location as the “Front driveway at 448 Lower Deep Creek Rd, Townsend MT 59644. Damage to Mr. Wildman’s 2014 Chevrolet Impala.” The report also purports that forced entry was used in the commission of the theft. The items taken section purports the following items as being stolen: one “Apple Macbook Pro-New C02FF3CKQ05N” valued at \$1,379.00; one “Swiss Gear laptop case-Black” valued at \$59.99; two “LED flashlight” valued at \$12.00 each, for a total of \$24.00; and one “Dolce and Gabbana cologne” valued at \$79.00. The total value of the purported stolen property is \$1,541.99.

6. On or about April 28, 2021, Laz Vazquez contacted the Broadwater County Sheriff’s Office. Laz Vazquez spoke with Deputy Michelle Frost. Deputy Frost advised she was unable to find any theft report involving Respondent from April 16, 2021, and the last incident involving Respondent occurred in March 2021. Deputy Frost advised that Deputy Cordova does work for the Broadwater County Sheriff’s Office. The theft report submitted to American Bankers Insurance listed Deputy Cordova’s badge number as “113.” Deputy Frost advised the badge number on the report for Deputy Cordova is incorrect and Deputy Cordova’s badge number is “4310.” Deputy Frost advised no one employed with the Broadwater County Sheriff’s Office has a badge number of “113.”

7. On or about April 26, 2021, Investigator Richard Martinez with American Bankers Insurance’s Special Investigation Unit emailed Deputy Frost the police report submitted by Respondent. Investigator Martinez spoke with Deputy Frost and Deputy Frost stated the report submitted by Respondent is a forgery. Deputy Frost advised the reports

generated by the Broadwater County Sheriff's Office are in a completely different format than the report submitted by Respondent. Deputy Frost confirmed Respondent was known to her from his criminal history. Deputy Frost also advised Investigator Martinez that Respondent had made a post to Respondent's Facebook account regarding his laptop. Deputy Frost took a photo of Respondent's Facebook post and provided it to Investigator Martinez.

8. Respondent made three different Facebook posts regarding his laptop. The first post occurred on or about April 10, 2021, and the post indicates Respondent lost his MacBook Pro laptop in the parking lot of the Delta Hotel in Helena, Montana in the morning of April 10, 2021. April 10, 2021 is prior to the date Respondent obtained the policy and prior to the purported date of theft. The second post was made to a public Facebook group called "Helena Lost & Found or STOLEN!!!" and in the post Respondent states he lost his MacBook Pro near the Delta Hotel parking lot in Helena, Montana, and asks to be contacted if the laptop is located. On or about April 13, 2021, the third post was made to the same "Helena Lost & Found or STOLEN!!!" Facebook group. In the third post Respondent again states that he lost his MacBook Pro at the Delta Hotel in Helena, Montana, and offers a \$500 reward for the laptop. As of July 27, 2022, the first two Facebook posts cannot be located on Facebook.

9. American Bankers Insurance denied Respondent's claim due to the forged police report and Respondent's Facebook posts stating the laptop was lost.

10. On or about April 30, 2021, the CSI received two fraud referrals concerning Respondent. One referral was made by Investigator Martinez and the second referral was made by Deputy Frost. CSI Investigator Bryan Stanley was assigned to investigate the fraud referrals.

11. Investigator Stanley obtained the relevant documents and case information from Investigator Martinez. Investigator Stanley conducted an open-source internet search and was able to locate the police report template Respondent used in forging the police report for his fraudulent claim.

12. On or about March 2, 2022, Investigator Stanley attempted to interview Respondent at the Helena Probation and Parole Office. Investigator Stanley read Respondent his Miranda warnings and Respondent refused to be interviewed.

CONCLUSIONS OF LAW

1. The Commissioner has jurisdiction over the Respondent and the alleged violations pursuant to Mont. Code Ann. § 33-1-101 et seq.

2. The Commissioner administers the Montana Insurance Code to protect insurance consumers pursuant to Mont. Code Ann. § 33-1-311.

3. A person commits the act of administrative insurance fraud when the person “for the purpose of obtaining any money or benefit, presents or causes to be presented to any insurer . . . any written or oral statement . . . containing false, incomplete, or misleading information concerning any fact or thing material to, as part of, or in support of a claim for payment or other benefit pursuant to an insurance policy.” Mont. Code Ann. § 33-1-1202.

4. Upon a determination that a person has violated the Montana Insurance Code, the Commissioner has authority to fine such person up to \$25,000 per violation pursuant to Mont. Code Ann. § 33-1-317

5. Here, Respondent, for the purpose of obtaining money or benefit, presented or caused to be presented to American Bankers Insurance, written or oral statements, or computer-generated documents that contained false, incomplete, or misleading information concerning facts or things material to, as part of, or in support of a claim for payment or other benefit pursuant to an insurance policy, to-wit: Respondent presented false oral and written statements that Respondent’s laptop was stolen from Respondent’s residence, and presented a forged police report to substantiate the theft claim Respondent made on his renters insurance policy with American Bankers Insurance. This conduct constitutes administrative or civil insurance fraud under Mont. Code Ann. § 33-1-1202.

6. Respondent’s insurance fraud resulted in financial loss to Assurant and is grounds for the Commissioner to require Respondent to make restitution for all losses sustained as a result of Respondent’s actions

ORDER

THEREFORE, based on the foregoing findings of fact and conclusions of law, it is hereby ORDERED that:

1. Respondent shall pay a fine of \$5,000 to the State of Montana within 30 days of the date of this Order. Payment must be made by check or money order payable to the State of Montana.

2. Respondent shall pay restitution of \$800 to Assurant for the financial loss sustained by Assurant as a result of Respondent's insurance fraud, less any amount already paid as restitution to Assurant. Payment must be made by check or money order payable to Assurant.

3. Both payments shall be sent to the Commissioner of Securities and Insurance, Office of the Montana State Auditor, Attn: Brandy Morrison, Paralegal, 840 Helena Avenue, Helena, MT 59601.

DATED this 15th day of September 2022.



TROY DOWNING

Commissioner of Securities & Insurance,
Office of the Montana State Auditor

CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2022, I caused a copy of the foregoing, *Final Agency Action and Default Order*, to be served on the following persons by the following means:

1 Mail
_____ E-Mail

1. Harley Lane Wildman
448 Lower Deep Creek Road
Townsend, Montana 59644



BRANDY MORRISON
Paralegal

USPS Tracking®

[FAQs >](#)[Track Another Package +](#)**Tracking Number:** 70191640000081476929[Remove X](#)

Your item was picked up at the post office at 2:46 pm on August 19, 2022 in HELENA, MT 59601.

USPS Tracking Plus® Available ✓

✓ Delivered, Individual Picked Up at Post Office

August 19, 2022 at 2:46 pm
HELENA, MT 59601

[Feedback](#)**Get Updates** ✓

Text & Email Updates

Tracking History**August 19, 2022, 2:46 pm**

Delivered, Individual Picked Up at Post Office
HELENA, MT 59601

Your item was picked up at the post office at 2:46 pm on August 19, 2022 in HELENA, MT 59601.

August 18, 2022

Reminder to Schedule Redelivery of your item

August 13, 2022, 12:36 pm

Notice Left (No Authorized Recipient Available)
HELENA, MT 59601



August 12, 2022, 5:31 pm

Arrived at USPS Regional Facility
GREAT FALLS MT DISTRIBUTION CENTER

August 11, 2022, 2:38 pm

Arrived at USPS Regional Facility
BILLINGS MT DISTRIBUTION CENTER

August 10, 2022, 8:55 am

Departed USPS Regional Facility
DENVER CO DISTRIBUTION CENTER

August 9, 2022, 10:36 pm

Arrived at USPS Regional Facility
DENVER CO DISTRIBUTION CENTER

August 5, 2022, 9:48 am

Forwarded
TOWNSEND, MT

August 5, 2022, 8:37 am

Forwarded
TOWNSEND, MT

August 5, 2022, 7:13 am

Out for Delivery
TOWNSEND, MT 59644

August 5, 2022, 7:02 am

Arrived at Post Office
TOWNSEND, MT 59644

August 4, 2022, 10:14 pm

Arrived at USPS Regional Facility
GREAT FALLS MT DISTRIBUTION CENTER

Feedback

USPS Tracking Plus®



Product Information



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FAQs

Feedback

KEVIN BRATCHER

Legal Counsel

Commissioner of Securities & Insurance,

Office of the Montana State Auditor

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Email: kevin.bratcher@mt.gov

E-Service: CSILegalService@mt.gov

Counsel for the Commissioner of Securities and Insurance

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

IN THE MATTER OF

HARLEY LANE WILDMAN,

Respondent.

Case No. INS-2022-00093

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

TO: Harley Lane Wildman
448 Lower Deep Creek Road
Townsend, Montana 59644

The Commissioner of Securities and Insurance, Office of the Montana State Auditor ("Commissioner" or "CSI"), has cause to believe that Harley Lane Wildman ("Respondent") has violated the Montana Insurance Code, Mont. Code Ann. § 33-1-101, *et seq.* The Commissioner proposes to levy a \$5,000 fine and require \$800 in restitution. The Commissioner has the authority to undertake this action pursuant to the Montana Insurance Code, including Mont. Code Ann. §§ 33-1-311, 33-1-317, 33-1-1202, and 33-1-1211.

Acceptance of the penalty 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 penalty, an administrative hearing must be requested; that request 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. Failure to timely request a hearing can result in entry of a default order as stated in the Possibility of Default section below.

FACTUAL ALLEGATIONS

1. Respondent is a resident of Montana, and resides at 448 Lower Deep Creek Road, Townsend, Montana 59644. Respondent is not licensed as an insurance producer or insurance adjuster in Montana.

2. On or about April 11, 2021, Respondent obtained a renter's insurance policy ("the policy") from Assurant, which is the parent company of American Bankers Insurance Company of Florida ("American Bankers Insurance"), for Respondent's residence at 448 Lower Deep Creek Rd. Townsend, Broadwater County, Montana, 59644. The insurance policy provided \$6,000 in coverage, with a \$250 deductible, to Respondent's personal property.

3. On or about April 16, 2021, just five days after obtaining the policy, Respondent submitted a claim on the policy. Respondent reported he was leaving his house at about seven o'clock in the morning on April 16, 2021. Respondent said he was gathering his things and putting them in his car. Respondent stated he went to get his Apple MacBook Pro laptop computer out of the garage, and he noticed it was not where he had left it the night before. Respondent said he searched for and could not locate the laptop. Respondent said he attempted to remotely locate the laptop through the "Find My Mac" cloud website, but the website reported the computer being offline and unable to be located. Respondent said he locked the laptop remotely and put a message to return it to his address or to contact him, along with Respondent's phone number and address. Respondent then said the only reasonable explanation for the disappearance of his laptop was that someone took it. Respondent stated he reported the theft to the Broadwater County Sheriff's Office.

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requested Respondent submit several documents, including a claim form, inventory list, proof of ownership, and a police report. Respondent reported to Laz Vazquez the police report number was “Cr2143665” and the report was made with a “Deputy Cordova” of the Broadwater County Sheriff’s Office.

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9. American Bankers Insurance denied Respondent's claim due to the forged police report and Respondent's Facebook posts stating the laptop was lost.

10. On or about April 30, 2021, the CSI received two fraud referrals concerning Respondent. One referral was made by Investigator Martinez and the second referral was made by Deputy Frost. CSI Investigator Bryan Stanley was assigned to investigate the fraud referrals.

11. Investigator Stanley obtained the relevant documents and case information from Investigator Martinez. Investigator Stanley conducted an open-source internet search and was able to locate the police report template Respondent used in forging the police report for his fraudulent claim.

12. On or about March 2, 2022, Investigator Stanley attempted to interview Respondent at the Helena Probation and Parole Office. Investigator Stanley read Respondent his Miranda warnings and Respondent refused to be interviewed.

ASSERTIONS OF LAW

13. The Commissioner has jurisdiction over this matter pursuant to Mont. Code Ann. § 33-1-311.

14. The Commissioner is tasked with enforcement of the Montana Insurance Code, including the Insurance Fraud Protection Act, Mont. Code Ann. §§ 33-1-1201, *et seq.*

15. If, after conducting a hearing under Mont. Code Ann. § 33-1-701, the Commissioner determines that a person has committed administrative or civil insurance fraud, the Commissioner may impose a penalty. Mont. Code Ann. §§ 33-1-317 and 33-1-1211. That fine can be up to \$ 25,000. Mont. Code Ann. § 33-1-317. Additionally, the Commissioner is required to order that person to make restitution to the insurer for all financial loss sustained as a result of the insurance fraud. Mont. Code Ann. § 33-1-1211.

16. "A person commits the act of administrative or civil insurance fraud when the person, for the purpose of obtaining any money or benefit, presents or causes to be presented to any insurer, purported insurer, producer, or administrator, as defined in 33-

17-102, any written or oral statement, including computer-generated documents, containing false, incomplete, or misleading information concerning any fact or thing material to, as part of, or in support of a claim for payment or other benefit pursuant to an insurance policy.” Mont. Code Ann. § 33-1-1202.

17. Here, Respondent, for the purpose of obtaining money or benefit, presented or caused to be presented to American Bankers Insurance, written or oral statements, or computer-generated documents that contained false, incomplete, or misleading information concerning facts or things material to, as part of, or in support of a claim for payment or other benefit pursuant to an insurance policy, to-wit: Respondent presented false oral and written statements that Respondent’s laptop was stolen from Respondent’s residence, and presented a forged police report to substantiate the theft claim Respondent made on his renters insurance policy with American Bankers Insurance. This conduct constitutes administrative or civil insurance fraud under Mont. Code Ann. § 33-1-1202.

18. Respondent’s insurance fraud resulted in financial loss to Assurant and is grounds for the Commissioner to require Respondent to make restitution for all losses sustained as a result of Respondent’s actions

PROPOSED AGENCY ACTION

WHEREFORE, the Commissioner proposes to order the following:

1. A fine in the amount of \$5,000 to the State of Montana pursuant to Mont. Code Ann. §§ 33-1-317, 33-1-1211; and
2. Payment of \$800 restitution to Assurant for the financial loss sustained by Assurant as a result of Respondent’s insurance fraud, less any amount already paid as restitution to Assurant pursuant to Mont. Code Ann. § 33-1-1211.

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 written hearing request to CSI at 840 Helena Avenue, Helena, MT 59601 or CSILegalService@mt.gov. A hearing request may, but does not have to, 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.

Respondent has the right to retain legal counsel to represent, accompany, and advise them at any and all stages of this proceeding or may also elect to represent themselves; however, a business entity may not appear on its own behalf or through an agent other than an attorney licensed to practice law. Admin. R. Mont. 1.3.231.

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 Mont. Code Ann. § 2-4-603.


CONTACT WITH COMMISSIONER'S OFFICE

If there are questions or concerns, please contact CSI at 406-444-2040 or CSILegalService@mt.gov. If represented by an attorney, please ensure this contact is made by the attorney.

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 Admin. R. Mont. 1.3.214.

DATED this 4 day of August, 2022.



KEVIN BRATCHER
Counsel for Commissioner of Securities & Insurance

CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2022, I caused a copy of the foregoing, *Notice of Proposed Agency Action and Opportunity For Hearing*, to be served on the following persons by the following means:

1 Mail
 E-Mail

1. Harley Lane Wildman
448 Lower Deep Creek Road
Townsend, Montana 59644



BRANDY MORRISON
Paralegal