

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

IN THE MATTER OF VICTORY
INSURANCE COMPANY'S
MISREPRESENTATION OF POLICY
TERMS, ILLEGAL MIDTERM
CANCELLATION, AND FAILURE TO
PROVIDE NOTICE OF NON-
RENEWAL TO VICTORY'S
CUSTOMERS

VICTORY INSURANCE COMPANY,
INC. – NAIC Company Code 12900

Respondent.

Case No. INS-2022-00157

**ORDER ON OPPORTUNITY FOR
RESPONDENT TO FILE
EXCEPTIONS, PRESENT BRIEFS
AND ORAL ARGUMENT**

The Hearing Examiner in this Matter having granted the Commissioner's motion for Summary Judgment on May 23, 2023;

In the Recommended Agency Action, the Hearing Examiner found the Commissioner has the power to impose a fine not to exceed \$25,000 per violation, that Victory had committed 165 separate violations, entitling the Commissioner to impose a fine upon Victory not to exceed the amount of \$4,125,000;

Pursuant to Mont. Code Ann. § 2-4-621, before the agency may render a final decision in this matter, the proposal for decision must be served upon the parties and each party adversely affected may file exceptions and present briefs and oral argument to the officials who are to render the decision;

The parties were served with the proposal for decision in this matter on May 23, 2023 when the Hearing Examiner emailed the Hearing Examiner's Findings of Fact, Conclusions of Law, Order, and Recommended Decision on the Commissioner's Motion for Summary Judgment to the parties;

The Deputy Auditor, having been delegated authority to render this final decision, may "reject or modify the conclusions of law and interpretation of administrative rules but may not reject or modify the findings of fact unless the agency first determines from a review of the complete record and states with particularity in the order that the findings of fact were not based upon competent substantial evidence or that the proceedings on which the findings were based did not comply with essential requirements of law. The agency may accept or reduce the recommended penalty in a proposal for decision but may not increase it without a review of the complete record." Mont. Code Ann. § 2-4-621(3).

The Respondent shall file any exceptions and briefs pursuant to Mont. Code Ann. § 2-4-621 by June 16, 2023. Counsel for CSI may file a response within 14 days after service of the exceptions or briefs. Both parties may submit proposed orders by June 16, 2023.

The Respondent's opportunity for oral argument in this matter will be tentatively set for July 7, 2023. The Deputy State Auditor will consider a motion by either party to continue the oral argument to a date more convenient for the parties.

All filings, communications, and motions may be made to CSI.LegalService@mt.gov.

DATED this 1st day of June 2023.



MARY BELCHER
Deputy State Auditor