

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

IN THE MATTER OF

VICTORY INSURANCE COMPANY,

Respondent.

Case No. INS 2021-313A

**ORDER APPOINTING SPECIAL  
DEPUTY INSURANCE  
COMMISSIONER AND  
DELEGATING AUTHORITY FOR  
RENDERING FINAL DECISION**

The Hearing Examiner in this Matter granted both CSI’s First Motion for Summary Judgment (Re: Contractual Violations) and CSI’s Second Motion for Summary Judgment (Re: Access to Records), issuing his *Findings of Fact, Conclusions of Law, Order, and Recommended Decision* on August 25, 2023. (Here, “Recommended Decision.”)

In the Recommended Decision, the Hearing Examiner recommended a fine should be imposed “of up to \$25,000, or up to \$5,000 per violation, as a fine to the State of Montana” (citing §§ 33-1-317, 33-2-1605, MCA),<sup>1</sup> and Victory should also be ordered “to reimburse Clear Spring for any losses incurred by Clear Spring caused by violations of Title 33, chapter 2, part 16, Montana Code Annotated committed by Victory[.]” (citing § 33-2-1605(1)(c), MCA). (Rec. Dec., at 19.)

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

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<sup>1</sup> Section 33-1-317, MCA, provides the commissioner’s general authority to impose monetary penalties up to \$25,000 for “violat[ing] a provision of [the Insurance Code]....” (Emphasis added.) Section 33-2-1605, MCA, provides penalties and orders for violating the MGA provisions in Title 33, Chapter 2, Part 16, including imposition of a \$5,000 penalty (subsection (1)(a)), but expressly stating the statute “does not limit the power of the commissioner to impose any other penalty provided in this title” (subsection (3)).

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 Recommended Decision in this matter on August 25, 2023, when it was emailed to the parties. It is attached hereto for reference.

On September 14, 2023, pursuant to Mont. Code Ann. § 33-1-303(2) the Commissioner designated J. Stuart Segrest, of Christensen & Prezeau, PLLP, as Special Deputy Insurance Commissioner for purposes of the proceedings remaining in this matter under Mont. Code Ann. § 2-4-621.

Furthermore, pursuant to Mont. Code Ann. § 33-1-304 the Commissioner delegated his authority to render a final decision in this matter to Special Deputy Insurance Commissioner J. Stuart Segrest, of Christensen & Prezeau, PLLP.

Mr. Segrest, having requested a conflict waiver from the parties, and Victory declining to sign the waiver, the Commissioner now rescinds that appointment, and, pursuant to Mont. Code Ann. § 33-1-303(2) designates Matthew Cochenour, Cochenour Law Office, PLLC, as Special Deputy Insurance Commissioner for purposes of the proceedings remaining in this matter under Mont. Code Ann. § 2-4-621.

Furthermore, pursuant to Mont. Code Ann. § 33-1-304 the Commissioner rescinds delegation of his authority to J. Stuart Segrest, and instead delegates his authority to render a final decision in this matter to Special Deputy Insurance Commissioner Matthew Cochenour, of Cochenour PLLC.

DATED this 10 day of October 2023.



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**TROY DOWNING**  
*Commissioner of Securities and Insurance*  
*Office of the Montana State Auditor*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 10, 2023, I caused a copy of the foregoing, *Order Delegating Authority for Rendering Final Decision*, to be served on the following persons by the following means:

\_\_\_\_\_ Hand Delivery  
\_\_\_\_\_ Mail  
1, 2 E-Mail

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*/s/ Brandy Morrison*  
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BRANDY MORRISON  
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