

KATE McGRATH ELLIS

Legal Counsel
Commissioner of Securities & Insurance,
Office of the Montana State Auditor
840 Helena Avenue
Helena, MT 59601
Phone: (406) 444-2040
Fax: (406) 444-3497
Email: Kate.Ellis@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
ROBERTA LYNN CORBY (License No.
768976); 1ST EAGLE BAIL BONDS
LLC (License No. 10019907),
Respondents.

Case No. INS 2023-00209

**CONSENT AGREEMENT
AND FINAL ORDER**

This Consent Agreement and Final Order (Agreement) is entered into by the Commissioner of Securities and Insurance, Office of the Montana State Auditor (Commissioner or CSI), acting pursuant to the authority of the Montana Insurance Code, § 33-1-101, *et seq.*, MCA, and Roberta Lynn Corby, individually and on behalf of 1st Eagle Bail Bonds (Respondents).

RECITALS

WHEREAS, Respondent Roberta Corby is a licensed Montana surety insurance producer, license number 768976, and she currently resides in Cut Bank, Montana. Respondent 1st Eagle Bail Bonds, LLC, is a licensed Montana business entity surety insurance producer, license number 10019907, and is located in Cut Bank, Montana.

WHEREAS, in July 2023, CSI Investigator Amber Treat initiated an investigation into Respondents' licenses when she obtained evidence indicating Respondent Corby sold surety insurance (i.e., bail bonds) while Corby's license was expired. During this investigation, CSI received a separate complaint that Respondents employed bail

bondsmen who were not licensed. Evidence gathered during CSI's investigation demonstrated that Corby sold insurance while her license was expired, she was doing business with unlicensed individuals for whom she was providing blank bonds that were signed, and that she did not have a trust account for premiums or collateral.

WHEREAS, on November 2, 2023, CSI initiated an enforcement action alleging violations of § 33-17-201, MCA (requiring a license for a person to sell, solicit, or negotiate insurance), § 33-17-1102, MCA, and ARM 6.6.6003 (requiring premiums and collateral security, respectively, to be held in separate trust account), § 33-17-1103(1) and (2), MCA (prohibiting an insurance producer from paying a commission or other valuable consideration to a person performing services of an insurance producer unless that person is licensed), and ARM 6.6.6002 (prohibiting an insurance producer from signing bail bonds in blank). For these violations, the Commissioner proposed agency actions of revocation of Respondents' licenses and imposition of a fine.

WHEREAS, Respondents requested a hearing and entered into settlement discussions, through counsel, with CSI.

WHEREAS, the Commissioner and Respondents agree that the best interest of the public would be served by entering into this Agreement.

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

STIPULATIONS AND CONSENTS

1. Without admitting any of CSI's Factual or Legal Allegations set forth in the November 2, 2023, NOPAA, Respondents stipulate and consent to the following:

a. Within 30 days of the date of this Agreement, Respondents agree to provide CSI, the following:

i. Documentation demonstrating to the Commissioner's satisfaction Respondents' ownership and use of a trust account for premiums

consistent with § 33-17-1102, MCA, and collateral in accordance with ARM 6.6.6003; and,

ii. Proof of licensure for any of Respondents' employees or individuals compensated in any way by Respondents who are soliciting, negotiating, or selling bail bonds for Respondents.

b. Respondent Corby agrees to cease signing blank Powers of Attorney and providing them to other individuals, including providing signed blank Powers of Attorney to licensed bail bond agents, as prohibited by ARM 6.6.6002.

c. Respondent Corby agrees to cease doing business with and compensating unlicensed individuals who are acting as bail bond agents or surety insurance producers.

d. Respondents agree to pay \$5,000 as a fine to the State of Montana pursuant to § 33-1-317, MCA. Payment shall be made by check or money order payable to "The State of Montana" and sent to Commissioner of Securities and Insurance, Office of the Montana State Auditor, Attn: Tiffany Hoffman, Paralegal, 840 Helena Avenue, Helena, MT 59601.

e. Respondents fully and forever release and discharge CSI from any and all actions, claims, causes of action, demands, or expenses for damages or injuries, whether asserted or not asserted, known or unknown, foreseen or unforeseen, arising out of or related to the Recitals or this Agreement.

f. Respondents specifically and affirmatively waive a contested case hearing and all rights to appeal under the Montana Administrative Procedure Act, § 2-4-101, *et seq.*, MCA, and elect to resolve this matter on the terms and conditions set forth herein.

g. Respondents' decision to enter into this Agreement is their knowing and voluntary choice. Respondents agree that they have not been made any promises other than what is contained within this Agreement, and that their entry

into this Agreement is not the product of duress, coercion, threats, or improper influence of any kind.

h. Respondents agree they have had adequate opportunity to review this Agreement, and the opportunity to have this Agreement reviewed by legal counsel.

3. All parties to this Agreement stipulate and consent as follows:

a. The Commissioner has jurisdiction over Respondents and the subject matter of this administrative action pursuant to § 33-1-101 *et seq.*, MCA.

b. The Commissioner agrees not to pursue further civil or administrative action against Respondents regarding CSI's allegations asserted in this matter for so long as Respondents comply with the terms of this Agreement. In the event Respondents fail to comply with the terms of this Agreement, CSI may pursue administrative action to enforce the terms of the Agreement and seek fines pursuant to § 33-1-318(c), MCA.

c. The applicable statute of limitations, set forth in § 33-1-707, MCA, is tolled for three years from the date of execution of this Agreement with regard to the allegations asserted in this matter. In the event Respondents fail to comply with the terms of this Agreement at any time during the three-year tolling period, CSI may pursue additional administrative action against Respondents on the allegations asserted in this matter.

d. This Agreement is entered into without adjudication of any issue, law, or fact. It is entered into solely for the purpose of resolving CSI's allegations and is not intended to be used for any other purpose.

e. This Agreement constitutes the entire agreement between the Commissioner and Respondents, and no other promises or agreements, either express or implied, have been made by the Commissioner or by any member, officer, agent or representative of CSI to induce Respondents 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. This Agreement shall be effective upon signing of the Final Order.

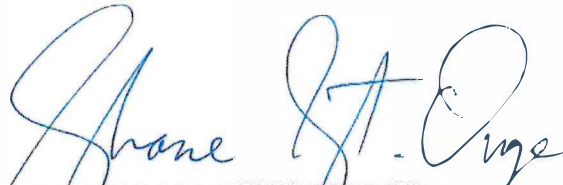
i. This Agreement is a public record under Montana law and, as such, may not be sealed or otherwise withheld from the public.

DATED this 19 day of January, 2024.



Roberta Corby, individually and on behalf of
1st Eagle Bail Bonds, LLC, Respondents

Approved as to form and content:



Shane St. Onge, attorney for Respondents
Johnson Berg & Saxby, PLLP

DATED this 23rd day of January, 2024.



Kate McGrath Ellis, Attorney
Commissioner of Securities and Insurance,
Montana State Auditor

FINAL ORDER

Pursuant to the authority vested by § 2-4-603, MCA, and § 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 Commissioner and Respondents is adopted as if set forth fully herein.

IT IS FURTHER ORDERED that, in consideration of the Notice of Proposed Agency Action and Opportunity for Hearing, and Consent Agreement, Respondents are hereby ordered as follows:

1. Respondents shall comply with paragraph (1)(a) of the Consent Agreement and send proof and documentation as described therein within 30 days of the date of this Order.
2. Respondent shall comply with paragraphs 1(b) and (c) of the Consent Agreement.
3. Respondents 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.
4. Payment of the fine must be sent to the Commissioner of Securities and Insurance, Office of the Montana State Auditor, Attn: Tiffany Hoffinan, Paralegal, 840 Helena Avenue, Helena, MT 59601. The required proof and documentation may be mailed to this address or emailed to tiffany.hoffinan@mt.gov.

DATED this 24th day of January, 2024.



TROY DOWNING
Commissioner of Securities and Insurance,
Montana State Auditor