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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

AMANDA DAVIS,

Respondent.

Case No. INS-2026-00008

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

TO: Amanda Davis
1535 Elm Street
Butte, MT 59701

The Commissioner of Securities and Insurance, Office of the Montana State Auditor (“CSI” or “the Commissioner”) has cause to believe that Amanda Davis (“Respondent”) has violated the Montana Insurance Code, Mont. Code Ann. §§ 33-1-101, *et seq.* The Commissioner proposes to issue a final order finding Respondent committed administrative or civil insurance fraud in violation of § 33-1-1202(1), MCA. The Commissioner proposes to levy a fine of up to \$5,000 plus interest at the statutory rate from the date of the Commissioner’s final order or the costs of any proceedings § 33-1-317 and § 33-1-1211, MCA. CSI has the authority to undertake this action pursuant to the Montana Insurance Code, including § 33-1-311, 33-1-1202 and 1211, MCA.

The following is a proposed agency action. Acceptance of the 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, an administrative hearing must be requested. That request must be in writing and received by CSI **within 24 days of the date of 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. During the period at issue in this matter, Respondent was a resident of Montana, residing at 1535 Elm Street, Butte, Montana 59701.
2. According to a report from the Montana Highway Patrol, on February 1, 2024, at 3:20 PM MST, Respondent was driving a 2015 Cadillac Escalade west-bound on Elm Street in Butte, Montana. She failed to yield the right of way and caused a collision with a 2013 Honda Odyssey. Both vehicles were disabled and needed to be towed from the scene.
3. Approximately half an hour later, at 3:51 PM MST, Respondent requested a quote for auto insurance policy from Allstate. At 4:25 PM MST, Allstate completed the quote and issued the requested policy to Respondent. The binder provision stated the policy was effective at 5:14 PM on February 1, 2024.
4. Ms. Davis provided her first notice of loss to Allstate on February 2, 2024, at 6:47 p.m. The first notice of loss states the date of loss is reported as February 1, 2024, time of loss 6:00 p.m.
5. Counsel for Allstate requested to examine Respondent under oath on March 15, 2024. Respondent failed to show. The examination was rescheduled for April 11, 2024, and Respondent attended. Respondent said she applied for the auto policy prior to the collision between 2:30 PM and 3:00 PM MST while she was at a doctor's appointment for her son. Respondent said she "got rid of the phone that she used to apply for the policy." Respondent said she does not have any other evidence to show when she applied for the policy.

6. Allstate denied all claims for the February 1, 2024, collision and voided Respondent's policy. Since Allstate did not pay the claims, there is not a basis to request restitution to the insurance company under Mont. Code Ann. § 33-1-1211(2).
7. On May 5, 2025, American National, insurer for the other vehicle involved in the collision on February 1, 2024, made a claim against Respondent for reimbursement of \$53,9000.07 for damages related to the accident.
8. On November 24, 2025, a CSI Investigator attempted to contact Respondent, but Respondent has not communicated with CSI.

ASSERTIONS OF LAW

1. The Commissioner has jurisdiction over this matter pursuant to § 33-1-311, MCA.
2. The Commissioner is authorized to act in protection of insurance consumers and act in the public interest. § 33-1-311, MCA. The Commissioner is also tasked with enforcement of the Montana Insurance Code, including the Insurance Fraud Protection Act. §§ 33-1-1202, MCA, *et. seq.*
3. A person commits the act of administrative insurance fraud under § 33-1-1202(1), MCA, when the person, for the purposes of obtaining money or another benefit, presents or causes to be presented to an insurer any written or oral statement 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 administrative insurance fraud when she submitted an auto insurance claim for a collision that occurred prior to requesting insurance for the vehicle.
5. If, after conducting a hearing under § 33-1-701, MCA, the Commissioner determines Respondent has violated the Montana Insurance Code by committing administrative insurance fraud, the Commissioner may either issue a fine of up to \$5,000 or require Respondent to pay the costs of the proceeding, §§ 33-1-317, 33-1-1211, MCA.

PROPOSED AGENCY ACTION

WHEREFORE, the Commissioner, in his discretion, considering the gravity and intentionality of the offense, and to protect the health, safety, and welfare of the public, proposes to order the following:

1. A finding that Respondent committed civil or administrative insurance fraud in violation of § 33-1-1202(1), MCA;
2. Payment of a fine of up to \$5,000 to the State of Montana plus interest at the statutory rate from the date of the Commissioner's final order or payment of the costs of the proceedings pursuant to § 33-1-317 and § 33-1-1211, MCA.

STATEMENT OF RIGHTS

Respondent is entitled to contest the Commissioner's proposed action by requesting a hearing; this is called an administrative or "contested case" hearing. § 2-4-102(4), MCA. 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, the Commissioner may appoint an impartial hearing examiner to conduct the proceedings under the provisions of the Montana Administrative Procedures Act, Mont. Code Ann. Title 2, Chapter 4, Part 6. §§ 2-4-611, 33-1-701, MCA; Admin. R. Mont. 1.3.218. Respondent may also waive formal proceedings pursuant to § 2-4-603, MCA, in which case the hearing examiner would handle this case under the process for Informal Proceedings pursuant to § 2-4-604, MCA. Respondent will be provided notice of the time, place, and nature of the hearing; and will be entitled to participate in the contested case process and respond and present evidence and arguments on all issues involved in this action. §§ 2-4-601, -612, MCA. Respondent has the right to retain legal counsel to represent, accompany, and advise them at 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.

CONTACT WITH COMMISSIONER'S OFFICE

If there are questions or concerns, please contact CSI at (406) 444-2040 or CSI.LegalService@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 CSI's proposed action, without additional notice. Admin. R. Mont. 1.3.214.

DATED April 22, 2026.

A handwritten signature in dark ink, appearing to read "George Barnes", with a stylized flourish at the end.

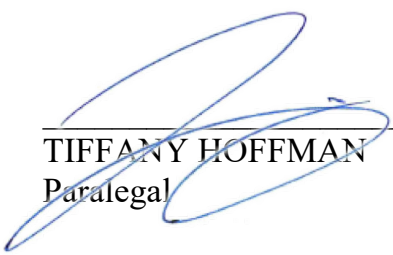
GEORGE BARNES

Counsel for Commissioner of Securities & Insurance

CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2026, I caused a copy of the foregoing, *Notice of Proposed Agency Action and Opportunity For Hearing*, to be served on the following person by priority mailing through the United States Postal Service with tracking capability:

Amanda Davis
1535 Elm Street
Butte, MT 59701



TIFFANY HOFFMAN
Paralegal