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

IN THE MATTER OF JELLUM, LINDSEY, Respondent.	Case No. INS-2025-00324 **ORDER GRANTING SUMMARY JUDGMENT AND FINAL AGENCY DECISION**

Respondent Lindsey Jellum requested a contested hearing regarding the Commissioner of Securities and Insurance's (CSI) denial of her application for an insurance producer license. CSI has moved for summary judgment, including a statement of undisputed material facts based on the administrative record and an affidavit. Respondent failed to file an answer brief to CSI's motion for summary judgment or to dispute any of the material facts provided by CSI. These facts, as explained, are deemed undisputed and entitle CSI to summary judgment as a matter of law.

Procedural Background

By *Order Appointing Special Deputy Insurance Commissioner and Hearing Examiner* (February 24, 2026), the Commissioner delegated his authority to the undersigned to act as Special Deputy Insurance Commissioner (Dep. Commissioner) to hear and issue a final decision in this matter under Mont. Code Ann. § 33-1-304.

The Prehearing Order (March10, 2026) informed the parties of the rules to this hearing, document and filing requirements, and included a guide to filing and responding to a motion for summary judgment, among other information. The Scheduling Order (March 23, 2026) then established a schedule for filing and briefing dispositive motions and provided for oral argument if requested by either party.

On April 22, 2026, CSI filed its Initial Disclosures, and then, on May 22, 2026, CSI filed a Motion for Summary Judgment and Brief in Support. Jellum did not file a response, nor did she dispute any of the material facts included by CSI in its summary judgment brief. Neither party requested oral argument. CSI's Motion for Summary Judgment is thus fully briefed, submitted, and ready for decision.

Legal Standard

Summary judgment is available in administrative proceedings, thereby eliminating the need for a MAPA hearing, where there are no material facts in dispute and the party is entitled to judgment under the law. *See In re Peila*, 249 Mont. 272, 280-81, 815 P.2d 139, 144-45 (1991); Mont. R. Civ. P. 56(c)(3); *Anaconda Pub. Schs v. Whealon*, 2012 MT 13, ¶ 16, 363 Mont. 344, 268 P.3d 1258. At summary judgment, the materiality of a fact is determined by reference to the substantive law at issue. *Nichols v. Corntassel*, 258 Mont. 173, 852 P.2d 583, 586 (1993) (internal quotes and citations omitted).

Once the moving party makes an initial showing of undisputed facts entitling it to judgment, "then the burden shifts to the nonmoving party to establish that a genuine issue of material fact does exist." *Missoula Elec. Coop. v. Jon Cruson, Inc.*, 2016 MT 267, ¶ 15, 385 Mont. 200, 383 P.3d 210 (internal quotation marks and citations omitted). "The party opposing the motion for summary judgment cannot rely on mere allegations in the pleadings, but must present evidence raising genuine issues of material fact in the form of affidavits or other sworn testimony." *Putnam v. Cent. Mont. Med. Ctr.*, 2020 MT 65, ¶ 12, 399 Mont. 241, 460 P.3d 419. Similarly, due process "does not require development of facts through an evidentiary hearing when there are no material factual issues in dispute." *In re Peila*, 249 Mont. at 281. Instead, the agency "may summarily dispose of a case by entering summary judgment." *Whealon*, ¶ 16.

Material Facts Undisputed and Adopted

CSI presented 11 material facts in its brief in support of summary judgment. Each fact cites the administrative record or an affidavit from CSI's Licensing Bureau Chief, and, in one case, to Respondent's hearing request. CSI's brief and supported material facts meet its burden to demonstrate a lack of disputed material facts. The burden then shifted "to the [Respondent] to establish that a genuine issue of material fact does exist." *Missoula Elec. Coop.*, ¶ 15. Respondent did not dispute any of these facts, by affidavit or otherwise, or respond to the motion for summary judgment, and thus has not met her burden to establish a genuine issue of material fact. As such, the Dep. Commissioner adopts CSI's Undisputed Material Facts.

Findings of Fact

As explained, the following findings of fact are taken from CSI's brief supporting summary judgment, with corresponding cites to the record or affidavit:

1. The Respondent was licensed, on March 23, 2021, as an insurance producer in Montana, license #689694. CSI000015.

2. CSI investigated the Respondent and filed a Notice of Proposed Agency Action (NOPAA), alleging that the Respondent presented a materially false application for insurance in violation of Mont. Code Ann. § 33-1-1202. CSI000016.

3. The NOPAA proposed to revoke the Respondent's insurance producer license and impose a monetary fine.

4. The Respondent entered into a Consent Agreement and Final Order with CSI on November 2, 2023, resolving the NOPAA. CSI000015 – 19 (Consent Decree).

5. The Consent Decree required the Respondent to pay a $750 fine to the State of Montana, be placed on three years of heightened supervision and complete five hours of ethics continuing education classes each year for the three years of heightened supervision in addition to completing the continuing education hours required by Mont. Code Ann. § 33-17-1203. CSI000015 – 19.

6. To date, the Respondent has yet to pay the $750 restitution amount, and did not complete payment before reapplying. Aff. Dachs. at 2.

7. The Respondent also let her license lapse on August 31, 2023. Aff. Dachs. at 2.

8. According to the Respondent's education transcript, she has not completed any educational credits, as required by law, or completed the additional credits required by the Consent Decree. Aff. Dachs. at 2.

9. On December 2, 2025, the Respondent applied for a new insurance producer license, despite not completing the terms of Consent Decree. Aff. Dachs. at 2.

10. On January 7, 2026, CSI issued a second NOPAA proposing to deny Respondent's application because she had not complied with the requirements of the 2023 Consent Decree.

11. In her response requesting a hearing to dispute the NOPAA, Respondent acknowledged "the compliance items identified in the notice" still need to be "resolved."

Conclusions of Law

1. CSI is authorized to act in protection of insurance consumers and in the public interest, and has jurisdiction over this matter under § 33-1-311, MCA.

2. CSI is tasked with, and authorized to, enforce the Montana Insurance Code.

3. In particular, CSI may "may suspend, revoke, refuse to renew, or refuse to issue a license under this chapter … when a licensee or applicant for licensure has … violated or failed to comply with a provision of this code or has violated a rule, subpoena, or order of the commissioner …." § 33-17-1001(1)(c), MCA.

4. Here, the Consent Decree provided: "Any violations of this Agreement may result in the revocation of Respondent's insurance producer license and/or other penalties provided for by the Code."

5. CSI was authorized to deny Respondent's application due to her failure to meet the basic continuing education requirements *and* her failure meet the additional five hours per year of continuing education as required by the Consent Decree.[1]

6. Based on these facts, as applied to the law and the Consent Decree, CSI is entitled to summary judgment as a matter of law.

[1] As to the $750 fine, while Respondent has yet to pay the agreed $750 to CSI, the Consent Decree only required that she pay the fine "within the three years heightened supervision period," running from the date of the Consent Decree (October 17, 2023), or through October 17, 2026. That three-year period has not run, and this grant of summary judgment and final order is not based on the failure to pay the fine.

Order and Final Agency Decision

For the reasons stated above, CSI is granted summary judgment. CSI's denial of Respondent's insurance produce license application is affirmed. Furthermore, this Order constitutes the Final Agency Decision.

Respondent is hereby notified that she has the right to request judicial review of this Order and Final Agency Decision by filing a petition for judicial review **within 30 days** after service of this Order with the district court in Lewis and Clark, County, Montana, as provided in § 2-4-702, MCA.

DATED this 2nd day of July, 2026.

/s/ J. Stuart Segrest
J. STUART SEGREST
Special Deputy Insurance Commissioner

cc: Lindsey Jellum
Rune Vander Wey, CSI Legal Service