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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 MIRES, JAMES, License No. 903107, Respondent.	Case No. INS-2026-00150 **NOTICE OF PROPOSED AGENCY ACTION AND OPPORTUNITY FOR HEARING**

TO: JAMES MIRES
715 Colin Ave
Glendive, MT 59330

The Commissioner of Securities and Insurance, Office of the Montana State Auditor ("Commissioner" or "CSI"), has cause to believe that the Respondent, James Mires ("Mires") violated the Montana Insurance Code, § 33-1-101, *et seq*., MCA. The Commissioner proposes to impose a fine. The Commissioner has the authority to undertake this action pursuant to the Montana Insurance Code, including Mont. Code Ann. §§ 33-1-311, 33-1-317, 33-17-1001, § 33-1-1504, 33-2-1404 and 33-18-202.

The following is a proposed agency action. Acceptance of CSI's proposed action(s) will resolve this matter and it will be deemed a Final Agency Action based on the facts and law set out below. If Mires chooses not to accept the penalty, an administrative hearing must be requested; that request must be in writing and received by the Commissioner

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. Mires is domiciled in Montana and was licensed as an insurance producer in Montana, License No. 903107 ("license"), starting on July 21, 2000, until he voluntarily surrendered his license on August 6, 2026.

2. Mountain West Farm Bureau Mutual Insurance Company ("Mountain West") employed Mires, with an appointment to write policies on behalf of various insurance companies.

3. Mountain West conducted an internal investigation, which found that Mires had used unauthorized "ACORD[1]" Certificates of Insurance to clients in 102 instances from February 2023 through May 2025. The discrepancies between the ACORD form and Mountain West's authorized form included significantly different coverages, inconsistent effective dates, incorrect policy numbers and incorrect policyholders.

4. In an interview with CSI investigators, Mires admitted that the number of Acord certificates he issued far exceeded 102 instances over the course of 10-15 years. He admitted he used the unauthorized form to expedite issuance of certificates and did not review them for accuracy.

5. Mountain West identified 12 Montana policyholders who have been potentially impacted by Mires' use of the Acord form, and one who has been impacted. This victim was at all relevant times a Montana limited liability company. The company made a construction-defect claim under the Acord form issued through Mires. This claim is still in dispute as of August 6, 2026[2].

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[1] ACORD stands for the Association of Cooperative Operations Research and Development.
[2] Mires issued a Certificate of Insurance with a $1 million policy limit. Mountain West entered a policy limit of $300,000 into its computer system.

6. Mountain West reported that it suspended Mires' binding authority effective on June 18, 2026, and terminated his appointment and contract effective July 25, 2026. On July 23, 2026, CSI received a Termination for Cause referral from Mountain West.

7. Having reason to believe a violation of the insurance code or insurance fraud had been committed in Montana, and pursuant to Mont. Code Ann. § 33-1-1203, CSI completed an independent investigation on August 12, 2026. CSI's investigation substantiated Mountain West's findings regarding Mires' use and issuance of the ACORD form for certificates of insurance. While only one Montana customer has been identified as having been harmed, others may follow, as various tail coverages from two to eight years are applicable pursuant to Mont. Code Ann. §§ 27-2-202, -204 and -207.

8. Neither Mountain West's investigation nor CSI's investigation found that Mires benefited financially from the ongoing and knowing use of the ACORD form to issue certificates of insurance to clients. Instead, it appears he used the ACORD form instead of the form required by Mountain West because they were more convenient and he did not pay adequate attention to the details listed on the form.

9. In a letter to CSI dated August 6, 2026, Mires voluntarily surrendered his producer's license for all lines of authority.

ASSERTIONS OF LAW

1. The Commissioner is authorized to act in protection of insurance Consumers and in the public interest and has jurisdiction over this matter pursuant to Mont. Code Ann. § 33-1-311.

2. The Commissioner is tasked with enforcement of the Montana Insurance Code, Mont. Code Ann. §§ 33-1-101, *et seq*.

3. If, after following the procedures provided by Mont. Code Ann. § 33-1-701, the Commissioner determines that a person violated the Montana Insurance Code, the Commissioner may impose a fine of $5,000 per violation, in addition to other penalties. Mont. Code Ann. § 33-1-317.

4. The Commissioner may suspend or revoke a license and impose a civil penalty when a licensee "violated or failed to comply with a provision of this code" or "in the conduct of the affairs under the license, used fraudulent, coercive, or dishonest practices or the licensee or applicant is incompetent, untrustworthy, financially irresponsible, or a source of injury and loss to the public." Mont. Code Ann. § 33-17-1001(1)(c) and (f).

5. The Commissioner "retains the authority to enforce the provisions of and impose any penalty or remedy authorized by the insurance code against any person who is under investigation for . . . a violation of the insurance code even if the person's license or registration has been surrendered, suspended, revoked, refused, or denied or has lapsed." Mont. Code Ann. § 33-17-1001(3).

6. "A person may not:

> (a) alter or modify a certificate of insurance form filed with the commissioner;
>
> (b) prepare, issue, request, or require the issuance of a certificate of insurance that contains any false or misleading information concerning the policy of insurance to which the certificate of insurance makes reference; or
>
> (c) prepare, issue, request, or require the issuance of a certificate of insurance that purports to affirmatively or negatively alter, amend, or extend the coverage provided by the policy of insurance to which the certificate of insurance makes reference." Mont. Code Ann. § 33-2-1404.

7. "A person commits the offense of insurance fraud when the person purposely or knowingly . . . presents or causes to be presented false, incomplete, or misleading insurance documents to any person." Mont. Code Ann. § 33-1-1504(1)(d).

8. Pursuant to the Montana Unfair Trade Practices Act, "[n]o person shall engage in this state in any trade practice which is defined in this chapter as or determined pursuant to this chapter to be an unfair method of competition or an unfair or deceptive act or practice in the business of insurance." Mont. Code Ann. § 33-18-102(1).

9. A person violates the Montana Insurance Code when they "make, issue, circulate, or cause to be made, issued, or circulated any estimate, illustration, circular, sales presentation, omission, comparison, or statement that: (1) misrepresents the benefits, advantages, conditions, or terms of any insurance policy…." Mont. Code Ann. § 33-18-202.

10. Here, Mires routinely prepared and issued insurance certificates to Montana insureds that did not accurately reflect the insurance coverage provided, which harmed at least one Montana insured and could have harmed others, as well as potentially having harmed Mountain West in at least one instance. This establishes that Mires was incompetent, untrustworthy, and a source of injury and loss to the public, in violation of Mont. Code Ann. § 33-17-1001(1)(f).

11. Mires also purposely or knowingly presented, or caused to be presented, at least 102 false, incomplete or misleading insurance documents to Montana insureds in violation of Mont. Code Ann. § 33-1-1504(1)(d).

12. Mitigating circumstances exist in this case. Mires readily admitted to knowingly using the incorrect certificate of insurance form repeatedly over several years and the implications of doing so, and he voluntarily surrendered his producer's license.

PROPOSED AGENCY ACTION

WHEREFORE, the Commissioner, in his discretion and considering, *inter alia,* the gravity, number and scope of offense(s), and the potential for financial loss involved, and to protect the health, safety, and welfare of the public, proposes to order the following:

1. A fine imposed on Mires in the amount of $ 10,200.00, together with interest at the statutory rate from the date of the final order.
2. Since Mires surrendered his license while under investigation, this administrative action will be considered a revocation for purposes of Mont. Code Ann. § 33-17-1002 and reported as a revocation to the National Association of Insurance Companies' Regulatory Information Retrieval

System. Mires shall comply with any reporting obligations to other states.

STATEMENT OF RIGHTS

Mires is entitled to contest the Commissioner's proposed action by requesting a hearing. This is called an administrative or "contested case" hearing. Mont. Code Ann. § 2-4-102(4). To do so, **within 24 days of the date of this Notice**, Mires must submit a **written hearing request** to CSI at 840 Helena Avenue, Helena, MT 59601 or CSI.LegalService@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. Mont. Code Ann. §§ 2-4-611 and 33-1-701; Admin. R. Mont. 1.3.218. Mires 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. Mont. Code Ann. §§ 2-4-601 and 2-4-612.

Mires has the right to retain legal counsel to represent, accompany and advise them at any and all stages of this proceeding or may also elect to represent himself; 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 Commissioner's proposed action, without additional notice, pursuant to Admin. R. Mont. 1.3.214.

DATED this 1st day of September, 2026.

/s/ Mimi Wolok
MIMI WOLOK
Counsel for the Commissioner of Securities & Insurance

CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2026, I caused a copy of the foregoing, *Notice of Proposed Agency Action and Opportunity For Hearing*, to be served on the following persons by the following means:

James Mires
715 Colin Ave
Glendive, MT 59330
jmires@midrivers.com

/s/ Tiffany Hoffman
TIFFANY HOFFMAN
Paralegal