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BEFORE THE STATE AUDITOR  
AND COMMISSIONER OF INSURANCE  
HELENA, MONTANA



IN THE MATTER OF:	)	Case No. 2002-27
	)	
THE PROPOSED DISCIPLINARY	)	Consent Agreement
TREATMENT OF BUCK CONSULTANTS,	)	
INC and KRISTIN ROBERTS JONES,	)	
	)	
Respondents.	)	

I.

The Montana Insurance Commissioner (Commissioner), pursuant to the authority of the Insurance Code of Montana, Section 33-1-101, et seq., Mont. Code Ann., (2001), determines that there is reason to believe that the following allegations, if true, justify and support disciplinary treatment.

ALLEGATIONS

1. Buck Consultants, Inc (Buck) is a large employee benefit consulting firm with a place of business in Denver, Colorado. Chris Hulla is the Practice Leader of Buck's Health and Welfare Practice located in Denver. Mr. Hulla is a licensed insurance consultant under the Montana Insurance Consultant Licensure Act (Act). Kristin Roberts Jones (Jones), an employee of Buck, works for Mr. Hulla in Buck's Health and Welfare Practice based in Denver. Jones is not licensed as an insurance consultant under this Act.

2. The Department of Insurance became aware of instances where Jones, as an employee, represented that she was a consultant in regards to insurance products. The State Auditor alleges that she held herself out as an insurance consultant to the [REDACTED]. The State Auditor alleges the same happened with the [REDACTED] and the [REDACTED].

plus Jones gave advice to these two entities in regards to insurance plans and programs.

### CONCLUSIONS

1. The State Auditor is the Commissioner of Insurance pursuant to section 2-15-1903, MCA.

2. Jones is not licensed as an insurance consultant in Montana. Jones acknowledges this fact. The Commissioner believes that the actions of Jones in submitting the proposal to the School were sufficient to require that she possess a valid and subsisting insurance consultant license under the Montana Insurance Code. Jones and Buck disagree with such characterization of Jones' Act in submitting the proposal. The Commissioner alleges that Jones is in violation of section 33-17-502, MCA for holding herself out as an insurance consultant and who for a fee gave advice on insurance plans or programs, on behalf of her employer, Buck. Buck and Jones disagree with that opinion. The parties wish to conclude this matter, and agree to do so on the terms and conditions hereinafter set forth.

### II.

Buck and Jones stipulate and consent to the following:

A. To pay a fine of \$9000 and to disclose all instances where Jones has signed a contract for services to be performed in Montana on behalf of Buck from January 1998 to present. The disclosure must state for any insurance consulting service by Jones:

- (1) the date of the contract;
- (2) who the contract was with; and
- (3) the fee paid by any Montana public entity.

If the consulting involved no insurance matters, then Buck need not disclose. The disclosure

will be attached to this Consent Agreement and labeled "Addendum A". As to any contract within such time frame signed by Jones for which disclosure is required hereunder, but where disclosure is not made, the Commissioner still reserves the right to file an administrative action which Buck and Jones would have the right to contest; Buck and Jones have advised the Commissioner that not all services were provided under written contract. As to such matters, disclosure is not required.

B. To comply with the insurance Code of Montana;

C. Jones will promptly begin the process for becoming a duly licensed insurance consultant under the Act. The Commissioner agrees to provide Jones on request with the necessary forms to apply for an insurance consulting license under the Act, to accept Jones properly completed application to the licensing exam, and to issue her the appropriate license provided she satisfactorily passes the exam. It is specifically agreed that neither this Consent Agreement or any of the matters referred to herein will be raised to deny Jones an insurance consulting license under the Act but that nothing in this Consent Agreement will be used for a benefit to Jones where other insurance consultant applicants would not have that same benefit.

D. To waive the right to a hearing on the allegations and by entering into this consent, Buck and Jones neither admits nor denies the allegations, it being understood and agreed that this Consent Agreement shall not be deemed or construed as an admission of liability or responsibility at any time for any purpose.

E. That Buck and Jones state that they have read the foregoing Consent Agreement, that they know and fully understand its contents and effect;

F. Buck and Jones state that they understand that the Consent Agreement is a part of the

file, which is a public record. As a public record it may not be sealed.

G. It is further understood that this Consent Agreement constitutes the entire agreement between the parties, there being no other promises or agreements, either express or implied.

### III.

Pursuant to the stipulation and consent of Buck and Jones, the Commissioner, under the authority of the Insurance Code of Montana and Section 2-4-603, MCA, hereby agrees that if the terms and conditions of this Consent Agreement are fully met, he will not initiate any criminal, civil or administrative action against Buck and Jones regarding the allegations contained therein, except for undisclosed contracts signed by Jones, pursuant to Sections 33-1-317 and 33-17-502, MCA, it being the intent of this Consent Agreement that it be a full and complete release and discharge of all claims, known or unknown, arising under 33-17-502 since January 1, 1998. In consideration for the Commissioner not initiating any criminal, civil or administrative action, Buck and Jones fully and forever release and discharge the Office of the State Auditor and all State Auditor employees from any and all actions, claims, causes of action, demands, or expenses for damages or injuries, whether asserted or unasserted, known or unknown, foreseen or unforeseen, arising out of the above entitled administrative action.

Dated this 25<sup>th</sup> day of September, 2002.

BUCK CONSULTANTS, INC.

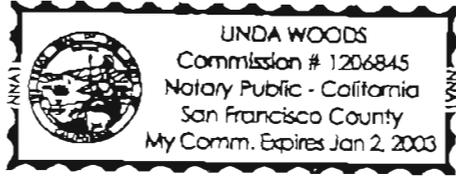


By: James Robinson Lynch

Its: Senior Managing Director

Subscribed and Sworn to before me this 25<sup>th</sup> day of September, 2002.

(SEAL)



Linda Woods  
Notary Public for the  
State of California  
Residing at San Francisco, California  
My Commission Expires January 2, 2003

Kristin Roberts Jones  
Kristin Roberts Jones

Subscribed and Sworn to before me this 20 day of September, 2002.



Kim Tossava  
Notary Public for the  
State of Colorado  
Residing at Denver, Colo (State)  
My Commission Expires My Commission Expires 08/21/2004  
for Kristin Roberts Jones only

Kevin F. Phillips  
Kevin F. Phillips  
Staff Attorney  
Department of Insurance

Addendum A to Consent Agreement Between Montana State Auditor, Buck Consultants, Inc. and Kristin Roberts Jones

Date of Contract	Client	Amount Paid
June 2001 to present	[REDACTED]	\$117,234.95
September 2000; September 2001	[REDACTED]	\$8,477.00
May 1, 1998 to present	[REDACTED]	\$165,096.30
Undated –for projects in 1999 and 2000	[REDACTED]	\$35,342.00
July 1, 1998	[REDACTED]	\$117,577.26