

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

IN THE MATTER OF:	)	CASE NO. INS-2010-138
	)	
BYRON UDELL & ASSOCIATES, INC.	)	<b>CONSENT AGREEMENT AND</b>
d/b/a ACCUQUOTE,	)	<b>FINAL ORDER</b>
1400 South Wolf Road, Bldg 500	)	
Wheeling, IL 60090-6588	)	
in its capacity as a licensed agency,	)	
	)	
BARBARA SACHS	)	
individually and in her capacity as	)	
licensed insurance producer,	)	
Producer License # 936124,	)	
	)	
Respondents.	)	

This Consent Agreement and Final Order, dated this 10<sup>th</sup> day of February, 2011, is between the Office of the Commissioner of Securities and Insurance, Montana State Auditor's (CSI) Insurance Department (Department), acting pursuant to the authority of the Montana Insurance Code, Mont. Code Ann., § 33-1-101 *et seq.*, (Code) and Respondents Byron Udell & Associates, Inc. (Udell) and Barbra Sachs (Sachs).

**RECITALS**

WHEREAS, the Department performed an investigation and found evidence to support filing an administrative action against the Respondents; and

WHEREAS, the Department and the Respondents agree that the parties' best interests would be served by entering into the following specific agreement and undertakings as set forth below.

NOW, THEREFORE, in consideration of the mutual undertakings established herein, the Department and the Respondents, as the parties hereto, enter into the following:

## AGREEMENT

A. Without admitting or denying the allegations contained in the Notice of Proposed Agency Disciplinary Action (Agency Action) dated January 7, 2011, and attached hereto as Exhibit A, the Respondents hereby stipulate and consent to the following:

1. Respondents shall update their ABN registration with the Montana Secretary of State to reflect AccuQuote is the assumed business name for Udell.
2. Respondents shall identify Barbra Sachs as an agency affiliate for Udell d/b/a AccuQuote in Montana.
3. Respondents shall edit their radio advertising in Montana to remove any reference to gender-based rates or premiums.
4. Respondents shall provide appropriate training for their employees and affiliated insurance producers who conduct the business of insurance in Montana to understand gender-based rating and premiums are not allowed under current Montana law.
5. Respondents shall pay a fine of \$500.00, payable upon signing of this agreement.

B. Pursuant to Respondents' stipulations, the Commissioner agrees that if the terms and conditions of the consent agreement are fully met:

1. The Commissioner shall not initiate any civil, criminal or administrative action against Respondents regarding the allegations contained herein or the evidence underlying the allegations, pursuant to Mont. Code Ann. §§ 33-1-311 and 318, nor shall the Commissioner make a referral of the allegations or evidence.
2. Any complaints brought to the Commissioner after the signing of this Agreement that contain allegations of illegal acts by Respondents of a similar or the same nature as the allegations set

forth above that occurred prior to the consummation of this Agreement shall not result in further administrative, civil or criminal action by the Commissioner, or referral thereof.

C. This Agreement contains the entire understanding of the parties, who represent that there have been and are no representations, promises, or agreements, either expressed or implied, other than those expressly set forth in this Agreement. Respondents understand that the Consent Agreement is a public record. As a public record, it may not be sealed.

Respondents fully and forever release and discharge the Office of the Commissioner of Securities and Insurance, the elected State Auditor and all State Auditor employees from any and all actions, claims, causes of action, demands, or expenses for damages or injuries that may arise from the allegations underlying this Agreement, whether asserted or unasserted, known or unknown, foreseen or unforeseen, arising out of the investigation and Agreement.

DATED this 10<sup>th</sup> day of February, 2011.

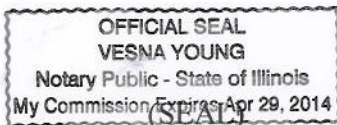
Roberta Cross Guns  
ROBERTA CROSS GUNS  
Attorney for Insurance Department

BYRON UDELL & ASSOCIATES, INC.

By: Byron Udell  
Title: President/CEO

STATE OF ILLINOIS )  
 ) ss.  
County of COOK )

SUBSCRIBED AND SWORN to before me this 10<sup>th</sup> day of February, 2011.



Vesna Young  
Printed Name: Vesna Young  
Notary Public for the State of Illinois  
Residing at 1349 E Evergreen Dr, Palatine, IL 60074  
My commission expires 4-29-2014



*Barbara Sachs*

BARBRA SACHS

STATE OF ILLINOIS )  
County of COOK ) ss.  
 )

SUBSCRIBED AND SWORN to before me this 10<sup>th</sup> day of February, 2011.

*Vesna Young*

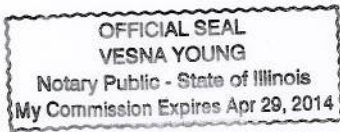
Printed Name: Vesna Young

Notary Public for the State of Illinois

Residing at 1349 E Evergreen Dr, Palatine, IL 60074

My commission expires 4/29/2014

(SEAL)



**FINAL ORDER**

On the basis of the foregoing Consent Agreement and Respondents' consent to the entry of this order, for the purpose of settling this matter prior to a hearing, and without admitting or denying any of the Findings of Fact or Conclusions of Law, the Commissioner orders all parties to comply with the provisions of the foregoing Consent Agreement. The Commissioner further orders Respondents to comply with the Insurance Act of Montana and the rules promulgated thereunder.

Dated this 10<sup>th</sup> day of February, 2011.

MONICA J. LINDEEN, STATE AUDITOR

*Robert Moon*

By: ROBERT MOON

Title: Deputy Insurance Commissioner