

**STATE OF NORTH DAKOTA**  
**BEFORE THE INSURANCE COMMISSIONER**

<b>In the Matter of</b>	)	
	)	
<b>Michael Schmitz,</b>	)	<b>CONSENT ORDER</b>
<b>NPN 1627920, and</b>	)	
<b>Link-Allen and Associates, Inc.</b>	)	<b>CASE NO. AG-16-683</b>
<b>NPN 1927666,</b>	)	
	)	
<b>Respondents.</b>	)	

**TO: Michael Schmitz and Link-Allen and Associates, Inc., 3 Waters Park Drive, Suite 115, San Mateo, CA 94403**

Insurance Commissioner Adam Hamm (“Commissioner”) has determined as follows:

1. As a result of information obtained by the North Dakota Insurance Department (“Department”) regarding the conduct of Michael Schmitz, NPN 1627920, an individual who has held a North Dakota nonresident insurance producer license at all relevant times to this proceeding, and Link-Allen and Associates, Inc., NPN 1927666 (“Respondents”), a business entity which has held a North Dakota nonresident insurance producer license at all times relevant to this proceeding, the Commissioner has considered scheduling a formal hearing to determine whether Respondents’ conduct as alleged constitutes a basis for imposition of a civil penalty or any other action the Commissioner deems necessary. As more fully described below, Respondents’ conduct is alleged to be in violation of N.D.C.C. § 26.1-26-45.1(1).

2. N.D.C.C. § 26.1-26-45.1 states, in part:

**26.1-26-45.1. Reporting of actions.**

1. An insurance producer shall report to the commissioner any administrative action taken against the insurance producer's license in another jurisdiction or by another governmental agency in this state within thirty days of the final disposition of the matter. This report must include a copy of the order, consent to order, or other relevant legal documents.

3. On or about August 11, 2016, Respondent Schmitz submitted an application to renew his nonresident insurance producer license in North Dakota. Respondent Schmitz answered "yes" to background question two relating to being named or involved as a party in an administrative proceeding regarding any professional license. Respondent Schmitz provided information relating to administrative actions taken in Florida, Massachusetts, and Ohio against Respondent Link-Allen.

4. A background investigation revealed that Respondent Schmitz is the Designated Responsible Licensed Producer for Link-Allen and Associates, Inc. Respondent Schmitz is responsible for ensuring Response Link-Allen's compliance with North Dakota laws and regulations. On or about May 29, 2014, Florida issued a Consent Order against Link-Allen and Associates, Inc., and fined the business entity \$2,500 for failing to timely file a renewal application and for transacting business in Florida after the expiration date of the license. The Florida administrative action should have been reported to North Dakota by June 29, 2014, and it was not reported until March 5, 2015. Respondents' failure to report an administrative action within 30 days is in violation of N.D.C.C. § 26.1-26-45.1(1).

5. Respondents' actions constitute violations of N.D.C.C. § 26.1-26-45.1(1).

6. Respondents acknowledge that at the time of signing the Consent to Entry of Order, they were aware of or had been advised of the right to a hearing in this matter, to consult an attorney, to present argument to the Commissioner, to appeal from any adverse determination after a hearing, and Respondents expressly waive those rights.

7. Respondents have agreed to informal disposition of this matter, without a hearing, as provided under N.D.C.C. § 28-32-22.

8. For purposes of resolving this matter without further administrative proceedings, Respondents have agreed to enter into the following order.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Respondent Schmitz agrees to pay a fine in the amount of \$100 payable by money order, cashier's check, or credit card to the North Dakota Insurance Department within 20 days of the effective date of this Order.

2. Respondent Link-Allen agrees to pay a fine in the amount of \$100 payable by money order, cashier's check, or credit card to the North Dakota Insurance Department within 20 days of the effective date of this Order.

3. The use of this Consent Order for competitive purposes by an insurance agent or agency holding a license in the State of North Dakota, or by any company holding a Certificate of Authority, or by anyone on their behalf, may be deemed unfair competition and be grounds for suspension or revocation of said license or authority.

DATED at Bismarck, North Dakota, this 16<sup>th</sup> day of November, 2016.

  
Adam Hamm  
Insurance Commissioner  
State of North Dakota

CONSENT TO ENTRY OF ORDER

The undersigned, **Michael Schmitz**, states that he has read the foregoing Consent Order, that he knows and fully understands its contents and effect; that he has been advised of the right to a hearing in this matter, the right to be represented by legal counsel, the right to present evidence and arguments to the Commissioner, and the right to appeal from an adverse determination after hearing; and that by the signing of this Consent to Entry of Order he waives those rights in their entirety, and consents to entry of this Order by the Commissioner. It is further expressly understood that this Order constitutes the entire settlement agreement between the parties, there being no other promises or agreements, either expressed or implied.

DATED this 14 day of NOVEMBER, 2016.



Michael Schmitz for himself and on behalf of Link-Allen and Associates, Inc.

County of San Mateo  
State of CA

Subscribed and sworn to before me this 14 day of November, 2016.

Martha Avey  
Notary Public

My commission expires: 4-11-2018

