

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

In the Matter of)	
)	
Michael Yurczyk,)	CONSENT ORDER
NPN 8143760,)	
)	CASE NO. AG-16-616
)	
Respondent.)	

TO: Michael Yurczyk, 701 North Second Street, Suite 602, Minneapolis, MN 55401

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

1. Michael Yurczyk, NPN 8143760 (“Respondent”), submitted an application for a nonresident individual insurance producer license to the North Dakota Insurance Department (“Department”) on or about February 9, 2016.
2. N.D.C.C. § 26.1-26-14 provides that the Commissioner may conduct an investigation concerning any applicant’s qualifications, business affiliations, and any other matter which the Commissioner believes necessary or advisable for the protection of the public.
3. An investigation conducted by Department personnel revealed that Respondent entered into a Consent Order with the Minnesota Department of Commerce due to Respondent improperly claiming 30 continuing education credit hours in violation of Minn. Stat. §§ 45.027 subd. 7(a)(4) and/or 60K.56 subd. 8a (2008).

4. Minn. Stat. § 60K.56 subd. 8a (2008) states:

After completing the minimum education requirement, each person subject to this section shall file or cause to be filed a compliance report in accordance with the procedures adopted by the commissioner. A producer must not claim credit for continuing education not actually completed at the date of filing the report.

5. Improperly claiming continuing education credit hours is in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(6).

6. N.D.C.C. § 26.1-26-15 states:

An applicant for any license under this chapter must be deemed by the Commissioner to be competent, trustworthy, financially responsible, and of good personal and business reputation.

7. N.D.C.C. § 26.1-26-42 states, in relevant part:

The commissioner may suspend, revoke, place on probation, or refuse to continue or refuse to issue any license issued under this chapter if, after notice to the licensee and hearing, the commissioner finds as to the licensee any of the following conditions:

...

6. In the conduct of affairs under the license, the licensee has used fraudulent, coercive or dishonest practices, or has shown oneself to be incompetent, untrustworthy, or financially irresponsible.

8. Respondent acknowledges that at the time of signing the Consent to Entry of Order, he was aware of or had been advised of his rights 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 Respondent expressly waives those rights.

9. Respondent has agreed to informal disposition of this matter, and

Respondent waives the right to a hearing and the result of any hearing, as provided under N.D.C.C. § 28-32-22.

10. There are no covenants, promises, undertakings, or understanding other than as specifically set forth in this Order.

11. Respondent consents to the Commissioner's continuing jurisdiction over him regarding this matter and any issues which may subsequently arise related to Respondent's activities.

12. For purposes of resolving this matter, without further administrative proceedings, Respondent and the Commissioner have agreed to enter into the following order.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Respondent agrees to issuance by the Commissioner of a conditional license for a period until Respondent's resident state's next statutory continuing education reporting period and producer license renewal of Respondent's resident producer's license and after this period Respondent's license will remain conditional for 61 days, to allow the Department to determine whether Respondent completed the probation successfully or to allow the Department to enforce any violation of this agreement that occurred during the probationary period. After the aforementioned time period has expired, the license will become unrestricted if no enforcement action has been initiated.

2. Within 12 months of the effective date of this Order, Respondent agrees to complete 3 hours of in-classroom, in-person, insurance-related and resident state accredited, continuing education classes of which all 3 hours must be directly related to

ethics. Further, Respondent agrees to provide a copy of the original certificate of completion to the Department within 12 months of the effective date of this Order.

3. Respondent agrees, during the conditional license period and 61-day review period allowed under Order paragraph 1, the Department may, revoke, suspend, or take such further action as may be deemed necessary against Respondent's insurance producer license without Notice of Hearing, the issuance of a Complaint, or opportunity to appeal, if Respondent violates any of the terms of this Consent Order.

4. 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.

5. The Department will not take further action against Respondent's insurance license on the sole basis of other regulatory or civil action alone that may arise out of the same specific facts as outlined in the current Consent Order. Respondent understands and agrees that nothing in this Consent Order prevents the Department from taking action on new information that comes to the attention of the Department in the future.

DATED at Bismarck, North Dakota, this 20th day of June, 2016.



Adam Hamm
Insurance Commissioner
State of North Dakota

CONSENT TO ENTRY OF ORDER


The undersigned, **Michael Yurczyk**, 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 his right to a hearing in this matter, his right to be represented by legal counsel, his right to present evidence and arguments to the Commissioner, and his 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 7th day of June, 2016.



Michael Yurczyk 

Subscribed and sworn to before me this 7th day of June, 2016.



Notary Public

State of Minnesota
County of ~~Stearns~~ Hennepin

My commission expires: 1/31/18

