

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	
)	AMENDED CONSENT ORDER
Rodger A. Hoeft,)	
NPN 6920780,)	CASE NO. AG-19-222
)	
Respondent.)	

TO: Rodger A. Hoeft, 647 192ND St. S Hawley, MN 56549

Insurance Commissioner Jon Godfread (“Commissioner”) has determined as follows:

1. As a result of information obtained by the North Dakota Insurance Department (“Department”) regarding the conduct of Rodger A. Hoeft, NPN 6920780 (“Respondent”), the Commissioner has considered scheduling a formal hearing to determine whether Respondent’s 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, Respondent’s conduct is alleged to be in violation of N.D.C.C. § 26.1-26-42(6).

2. N.D.C.C. § 26.1-26-42 states, in 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.

3. Respondent has been licensed as a nonresident insurance producer in North Dakota since May 4, 2005.

4. On or about September 3, 2019, the Department received a complaint from a Consumer alleging that Respondent was acting inappropriately and unprofessionally.

5. During an interview on September 16, 2019, Respondent admitted to Department investigators that he did have inappropriate conversations with some of his clients, that some of the conversations were of a sexual nature, and that he had lost clients due to his inappropriate behavior. Respondent signed a Permission and Authorization to Search agreement for the Department investigators to search his cellphone. The Department's investigation revealed that Respondent's text message conversations with five Consumers were explicitly sexual in nature.

6. Respondent's coercive and untrustworthy use of his license constitute violations of N.D.C.C. § 26.1-26-42(6) and are grounds for revocation of Respondent's insurance producer license.

7. Respondent acknowledges that at the time of signing the Consent to Entry of Order, he was 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 Respondent expressly waives those rights.

8. Respondent has agreed to informal disposition of this matter, without a hearing, as provided under N.D.C.C. § 28-32-22.

9. For purposes of resolving this matter without further administrative proceedings, Respondent has agreed to enter into the following order.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:


1. Respondent's nonresident insurance producer license is hereby **REVOKED** effective January 30, 2020, upon the Commissioner's execution of this Order.

2. Respondent is prohibited from doing any new insurance business twenty days following the service of this Order.

3. No administrative fine or other civil penalty is imposed.

4. The use of this Consent Order for competitive purposes by an insurance producer 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 4th day of February, 2020.



Jon Godfread
Insurance Commissioner
State of North Dakota

CONSENT TO ENTRY OF ORDER

The undersigned, **Rodger A. Hoeff**, 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 27 day of January, 2020.

Rodger A. Hoeff
Rodger A. Hoeff

Subscribed and sworn to before me this 27th day of January, 2020.

Tracy MCFarlane
Notary Public

County of Cass
State of North Dakota

My commission expires:

