

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

In the Matter of	)	
	)	<b>CONSENT ORDER</b>
Ethan Marcellais,	)	
NPN 17942166,	)	<b>CASE NO.</b>
	)	
Respondent.	)	

**TO: Ethan Marcellais 1155 Burlington Dr STE A Bismarck, ND 58504**

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 Ethan Marcellais, NPN 17942166 (“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).

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

**26.1-26-42. License suspension, revocation, or refusal – Grounds.** 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.

2. On or about December 2, 2019, Respondent was contacted by Kayla Koth and/or Stuart Schmidt (Complainants) about purchasing a Sanford Health policy and cancelling a Blue Cross Blue Shield policy. Respondent assured Complainants that it was taken care of. On multiple occasions, Complainants reached out to Respondent to confirm that the Sanford policy was purchased, and the Blue Cross Blue Shield policy was cancelled because they never received notification from the companies of either occurring. Respondent either did not return the communication or told Complainants that everything had been taken care of. Ultimately, Complainants contacted another employee at the agency and found out that the Sanford Policy had never been purchased and the Blue Cross Blue Shield Policy had never been cancelled. Respondent's failure to follow through and adequately communicate is in violation of N.D.C.C. § 26.1-26-42(6).

3. 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.

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

5. 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 agrees to pay a fine in the amount of \$500 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. 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.

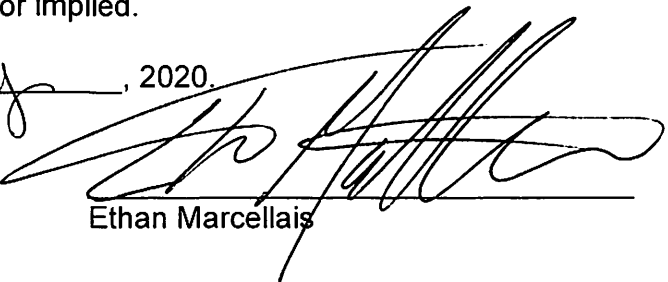
DATED at Bismarck, North Dakota, this 25<sup>th</sup> day of August, 2020.

  
Jon Godfread  
Insurance Commissioner  
State of North Dakota

CONSENT TO ENTRY OF ORDER

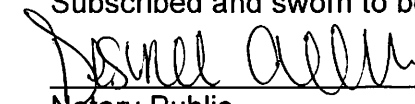
The undersigned, **Ethan Marcellais**, states that he has read the foregoing Consent Order, that he knows and fully understands its contents and effect; that he has been advised of the right to a hearing in this matter, the right to be represented by legal counsel, the right to present evidence and arguments 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.

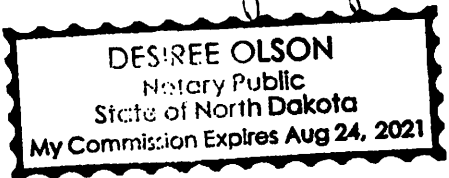
DATED this 29<sup>th</sup> day of July, 2020.

  
Ethan Marcellais

County of Morton  
State of North Dakota

Subscribed and sworn to before me this 29<sup>th</sup> day of July, 2020.

  
Notary Public



My commission expires: