

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	
)	CONSENT ORDER
Gary Sutherland,)	
NPN 2196201,)	CASE NO. AG-16-690
)	
Respondent.)	

TO: Gary Sutherland, NAPLIA, 161 Worcester Road, Suite 504, Framingham, MA 01701-5315

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 Gary Sutherland, NPN 2196201 ("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. § 26.1-26-45.1(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 July 27, 2016, Respondent submitted an application to renew his nonresident insurance producer license in North Dakota. Respondent answered “no” to background question two relating to being named or involved as a party in an administrative proceeding regarding any professional or occupational license.

4. A background investigation revealed that on or about August 14, 2013, Delaware took administrative action against Respondent by issuing a Consent Order with a \$500 fine for failing to report other state action in a timely manner. The Delaware administrative action should have been reported to the Department by September 14, 2013, and it was not reported until September 17, 2013. Respondent’s failure to report an administrative action within 30 days is in violation of N.D.C.C. § 26.1-26-45.1(1).

5. A background investigation revealed that on or about March 11, 2014, Massachusetts took administrative action against Respondent by issuing a Cease and Desist and a Settlement with a \$500 fine for failing to notify states of a late surplus lines filing violation taken by Kentucky. The Massachusetts administrative action should have been reported to the Department by April 11, 2014, and it was not reported until May 15, 2014. Respondent’s failure to report an administrative action within 30 days is in violation of N.D.C.C. § 26.1-26-45.1(1).

6. Respondent’s actions constitute violations of N.D.C.C. § 26.1-26-45.1(1).

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 agrees to pay a fine in the amount of \$200 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 22nd day of November, 2016.



Adam Hamm
Insurance Commissioner
State of North Dakota

CONSENT TO ENTRY OF ORDER

The undersigned, **Gary Sutherland**, 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.

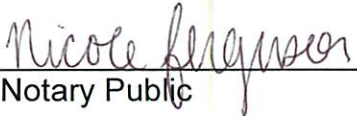
DATED this 14 day of NOVEMBER, 2016.



Gary Sutherland

County of Middlesex
State of Massachusetts

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



Notary Public

My commission expires: 3/19/2021



NICOLE FERGUSON
Notary Public
Commonwealth of Massachusetts
My Commission Expires Mar. 19, 2021