

STATE OF NORTH DAKOTA  
BEFORE THE INSURANCE COMMISSIONER

In the Matter of	)	
	)	ORDER REVOKING LICENSE
Hether Haefner,	)	
NPN 17223923,	)	CASE NO. AG-16-617
	)	
Respondent.	)	

TO: Hether Haefner, 3001 Ohio Street, #10, Bismarck, ND 58503

Insurance Commissioner Adam Hamm (hereinafter "Commissioner") has determined as follows:

1. The Commissioner has authority in this matter pursuant to N.D.C.C. § 26.1-26-15, which states:

**License requirement - Character.** 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.

2. Hether Haefner, NPN 17223923 (hereinafter "Respondent"), holds a North Dakota resident insurance producer license issued under N.D.C.C. ch. 26.1-26.

Respondent has been licensed since March 24, 2014.

3. 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:

...

12. A violation of or noncompliance with any insurance laws of this state or a violation of or noncompliance with any lawful rules or orders of the commissioner or of a commissioner of another state.

4. Respondent applied for a North Dakota resident insurance producer license on or about February 12, 2014. A background investigation revealed there were five outstanding judgments against Respondent that totaled approximately \$3,526.80.

5. Based on Respondent's outstanding judgments, the Commissioner determined that Respondent would be offered the opportunity to agree to a conditional license. On March 20, 2014, a Conditional License Agreement was mailed to Respondent stating, in part:

Notwithstanding the misrepresentation on your application and your financial history, the Department will agree to offer you a conditional license. In consideration of your execution of this agreement and in consideration of the Department agreeing not to deny a license to you, the Department will issue a resident individual insurance producer license with the following conditions:

1. You agree to the issuance of a conditional license with a probationary period to run 24 months, plus 61 days from the date of issuance of the conditional license.
  - a. After expiration of 24 months, the license will remain conditional for 61 days, allowing the Department to check court records and determine whether you completed probation successfully; and
  - b. If, at the end of the probationary period plus 61 days, there is no cause to terminate the license and you have fully

complied with all the terms of this agreement you will be issued an unrestricted license.

2. You agree, that during the time of this probation and at all times after, you will fully comply with all the laws of the state, all lawful orders of the Insurance Commissioner, all the terms of this agreement and the terms of any other agreement you enter with the Commissioner.
3. You agree, during the time of the probation, you shall report to the Department within three business days after an action to collect money or a criminal charge is filed, any further collection action, criminal charge, or criminal conviction in any jurisdiction except for minor traffic offenses.
4. You may not handle funds in any insurance-related employment. During the time of your probation, you must notify the Department within three business days if you leave your current employment.
5. You must notify the Department within three business days of any checks you write that are returned for insufficient funds, whether or not it results in a criminal charge.
6. You agree that all monetary judgments against you must be paid in full by the end of the probationary period before an unrestricted license will be issued.
7. You agree that prior to the end of this probationary period you must submit to the sole satisfaction of the Commissioner documentation that establishes all judgments against you have been satisfied.
8. You agree that without notice, issuance of a complaint or a hearing, the Department may revoke, suspend, or take such further action against the license as may be deemed

necessary, and in the sole discretion of the commissioner, if:

- a. The Department learns that you have violated any of the terms of this agreement;
- b. The Department receives information that you have had a collection action initiated against you or you have been charged with a crime or convicted of a crime at any time which resulted from a charge that was filed during the probationary period; or
- c. The Department receives a complaint from any source against you and after investigation of the merits of the charge, conviction, or complaint and after you have been afforded the opportunity to respond in writing, and after review of other factual information necessary, in the sole discretion of the Commissioner, the Commissioner concludes that you violated the laws of the State of North Dakota or used fraudulent, coercive, or dishonest practices or are incompetent, untrustworthy, or financially irresponsible. By entering into this agreement, you agree that the Department's analysis and final decision regarding the merits of any allegations made is final and you agree to hereby waive any right you may have to appeal or otherwise contest this decision.

Respondent returned the letter with her notarized signature agreeing to the conditions set out in the Conditional License Agreement on or about March 24, 2014. The Commissioner issued a license to Respondent on March 24, 2014. A copy of the signed agreement is attached to this Order as Exhibit 1.

6. On or about March 24, 2016, the Department began a review of Respondent's licensing file and the Conditional License Agreement in order to confirm that Respondent had complied with all the conditions. Respondent agreed by signing the Conditional License Agreement that she would have all monetary judgments paid in full by the end of the probationary period before an unrestricted license will be issued and provide documentation that establishes all judgments have been satisfied. A search of court records showed that Respondent currently has \$2,993.18 in outstanding judgments which is in violation of the Conditional License Agreement. The search of court records also revealed that Respondent had four criminal convictions that she failed to report to the Department within three business days after the criminal charge was filed in violation of the Conditional License Agreement.

7. Respondent also agreed by signing the Conditional License Agreement that the Department may revoke her license if any of the terms of the agreement had been violated. Respondent's failure to have the outstanding judgments satisfied by the end of the probationary period and her failure to report within three business days the filing of any criminal charges are violations of the terms of the Conditional License Agreement for which the Commissioner may revoke Respondent's license.

NOW, THEREFORE, IT IS HEREBY ORDERED that Respondent having agreed to revocation of her license if the judgments were not satisfied in full by the end of the probationary period, and Respondent's failure to report within three business days the filing of any criminal charges; and the Commissioner having concluded that Respondent violated the laws of the State of North Dakota and the terms of her Conditional License Agreement; and in accordance with the terms of the Conditional License Agreement

signed by Respondent, Respondent's North Dakota resident insurance producer license is hereby **REVOKED**.

This Order is effective this 1<sup>st</sup> day of April, 2016.

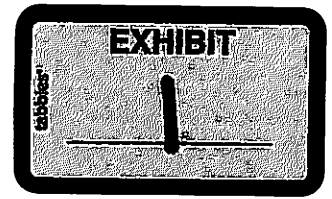


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Adam Hamm  
Commissioner  
North Dakota Insurance Department  
600 East Boulevard Avenue, Dept. 401  
Bismarck, ND 58505  
(701) 328-2440



North Dakota  
Insurance Department  
Adam W. Hamm, Commissioner



March 20, 2014

Ms. Hether Haefner  
3001 Ohio Street, #10  
Bismarck, ND 58503

RE: Conditional License Agreement

Dear Ms. Haefner:

The North Dakota Insurance Department has recently concluded its evaluation of your application received on February 12, 2014, for a resident individual insurance producer license. In that application you answered "yes" to background question one regarding whether you have ever been convicted of a crime and disclosed the required information. You answered "no" to background question three regarding judgments and a check of court records revealed that there are five outstanding judgments against you that total approximately \$3,526.80.

Your financial history and misrepresentation are grounds for denial of your application. State law provides that the Commissioner may deny a license if an applicant has been convicted of a felony or convicted of an offense determined by the Commissioner to have a direct bearing upon a person's ability to serve the public as an insurance producer. N.D.C.C. § 26.1-26-42(5). Providing a materially untrue statement on a license application or attempting to acquire a license through a misrepresentation are each grounds for denial of your application. N.D.C.C. § 26.1-26-42(1) and(2). In addition, an applicant for an insurance producer license must be deemed by the Commissioner to be competent, trustworthy, financially responsible, and of good personal and business reputation. N.D.C.C. § 26.1-26-15. A violation of these laws is subject to a civil fine of up to \$10,000. N.D.C.C. § 26.1-26-50.

Notwithstanding the misrepresentation on your application and your financial history, the Department will agree to offer you a conditional license. In consideration of your execution of this agreement and in consideration of the Department agreeing not to deny a license to you, the Department will issue a resident individual insurance producer license with the following conditions:

Ms. Hether Haefner  
March 20, 2014  
RE: Conditional License  
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1. You agree to the issuance of a conditional license with a probationary period to run 24 months, plus 61 days from the date of issuance of the conditional license.
  - a. After expiration of 24 months, the license will remain conditional for 61 days, allowing the Department to check court records and determine whether you completed probation successfully; and
  - b. If, at the end of the probationary period plus 61 days, there is no cause to terminate the license and you have fully complied with all the terms of this agreement you will be issued an unrestricted license.
2. You agree, that during the time of this probation and at all times after, you will fully comply with all the laws of the state, all lawful orders of the Insurance Commissioner, all the terms of this agreement and the terms of any other agreement you enter with the Commissioner.
3. You agree, during the time of the probation, you shall report to the Department within three business days after an action to collect money or a criminal charge is filed, any further collection action, criminal charge, or criminal conviction in any jurisdiction except for minor traffic offenses.
4. You may not handle funds in any insurance-related employment. During the time of your probation, you must notify the Department within three business days if you leave your current employment.
5. You must notify the Department within three business days of any checks you write that are returned for insufficient funds, whether or not it results in a criminal charge.
6. You agree that all monetary judgments against you must be paid in full by the end of the probationary period before an unrestricted license will be issued.
7. You agree that prior to the end of this probationary period you must submit to the sole satisfaction of the Commissioner documentation that establishes all judgments against you have been satisfied.
8. You agree that without notice, issuance of a complaint or a hearing, the Department may revoke, suspend, or take such further action against the license as may be deemed necessary, and in the sole discretion of the commissioner, if:




Ms. Hether Haefner  
March 20, 2014  
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- a. The Department learns that you have violated any of the terms of this agreement;
- b. The Department receives information that you have had a collection action initiated against you or you have been charged with a crime or convicted of a crime at any time which resulted from a charge that was filed during the probationary period; or
- c. The Department receives a complaint from any source against you and after investigation of the merits of the charge, conviction, or complaint and after you have been afforded the opportunity to respond in writing, and after review of other factual information necessary, in the sole discretion of the Commissioner, the Commissioner concludes that you violated the laws of the State of North Dakota or used fraudulent, coercive, or dishonest practices or are incompetent, untrustworthy, or financially irresponsible. By entering into this agreement, you agree that the Department's analysis and final decision regarding the merits of any allegations made is final and you agree to hereby waive any right you may have to appeal or otherwise contest this decision.

**Please be advised that the issuance of the conditional license will result in a report to the National Insurance Producer Registry (NIPR) Producer Database (PDB) as an administrative action.**

If you are in agreement with the conditions described above, please sign below, have your signature notarized, and return the agreement to the Department. After receipt of this signed and notarized agreement, the Department will then issue a conditional license. **This offer is valid for only 20 days from the date of this letter.** If we have not received your signature within that time frame, the application will be denied.

Sincerely,



Jeff Ubben  
General Counsel

JU/njb

Ms. Hether Haefner  
March 20, 2014  
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By signing this agreement, I agree to the entirety of the conditions as set out in this License Agreement.

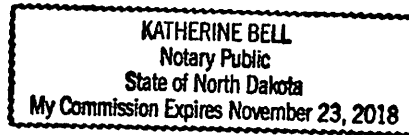
DATED this 24<sup>th</sup> day of March, 2014.

Hether Haefner  
Hether Haefner

Subscribed and sworn to before me this 24 day of March, 2014.

Katherine Bell  
Notary Public

State of North Dakota  
County of Burleigh



My Commission Expires: