STATE OF NORTH DAKOTA

BEFORE THE INSURANCE COMMISSIONER

In the Matter of	)	**FINDINGS OF FACT,**
	)	**CONCLUSIONS OF LAW,**
Dustin Llewellyn,	)	**AND DEFAULT ORDER**
NPN 17039507,	)	
	)	**CASE NO. AG-16-605**
Respondent.	)	

TO: Dustin Llewellyn, 1272 Ridge Lane, Belle Plaine, MN 56011

On February 22, 2016, a Complaint for Revocation of License was filed with the Insurance Commissioner by Kelvin W. Zimmer, Director of Producer Licensing for the North Dakota Insurance Department, alleging Dustin Llewellyn, NPN 17039507 ("Respondent"), committed various violations of North Dakota insurance statutes.

The Complaint was mailed to Respondent at the address on file with the Department by the United States Postal Service via certified mail, return receipt requested, on February 22, 2016. Delivery of the certified mail was accepted on March 11, 2016. Proof of service of the Complaint is annexed to these Findings. Respondent failed to answer the Complaint within 20 days as required under N.D.C.C. § 28-32-21(1)(e). As such, on April 8, 2016, an Application for Default Order was made deeming the allegations made in the Complaint to be admitted pursuant to N.D.C.C. § 28-32-30.

Based on the allegations made in the Complaint and on the evidence presented in the Affidavits filed in support of the Complainant's Application for Default Order, the following Findings of Fact, Conclusions of Law, and Default Order are entered:

FINDINGS OF FACT

I

Respondent is presently, and has at all times pertinent to this action, been an insurance producer licensed in North Dakota.

II

The Complaint was mailed to Respondent at the address on file with the Department by the United States Postal Service via certified mail, return receipt requested, on February 22, 2016. Delivery of the certified mail was accepted on March 11, 2016. Respondent failed to provide a written response to the Complaint.

III

Respondent has not answered the Complaint within 20 days as required under N.D.C.C. § 28-32-21(1)(e).

IV

Respondent has been licensed as a nonresident insurance producer in North Dakota since September 25, 2013.

V

According to information received by the Department, on or about November 1, 2001, Respondent was convicted of felony Wrongfully Obtaining Unemployment Benefits. During a review of Respondent's licensing file, it was revealed that

Respondent failed to disclose the 2001 felony conviction on his initial nonresident insurance producer application in 2013.

VI

Respondent's felony conviction for Wrongfully Obtaining Unemployment Benefits is a felony involving dishonesty or the breach of trust and prohibits Respondent from participating in the business of insurance and holding a nonresident North Dakota insurance producer license. Therefore, Respondent's license should be revoked pursuant to N.D.C.C. § 26.1-02.1-02.1(3)(a).

VII

By his actions of failing to disclose all criminal convictions, Respondent made a materially untrue statement in his license application in an attempt to acquire a license through misrepresentation or fraud and has shown himself to be untrustworthy, financially irresponsible, and not of good personal reputation. This conduct constitutes a violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(1).

VIII

The failure to disclose all criminal convictions was a material misrepresentation because the license would have been denied had the violation been properly disclosed. Respondent's license should be properly revoked now because issuance of the license would have been refused had the criminal conviction been known to the Commissioner at the time of issuance. This conduct constitutes grounds for revocation of Respondent's license pursuant to N.D.C.C. § 26.1-26-42(4).

IX

The Respondent has been convicted of offenses that have a direct bearing on a person's ability to serve the public as an insurance producer. This conduct constitutes grounds for revocation of Respondent's license pursuant to N.D.C.C. §§ 26.1-02.1-02.1(3)(a) and 26.1-26-42(5).

X

Respondent's actions constitute violations of N.D.C.C. §§ 26.1-02.1-02.1, 26.1-26-15, and 26.1-26-42(1), (4), and (5) and are grounds for revocation of Respondent's insurance producer license.

CONCLUSIONS OF LAW

1. Respondent was properly served with the Complaint in accordance with the North Dakota Rules of Civil Procedure.

2. Because of his failure to answer the Complaint within 20 days of its proper service, Respondent is in default under N.D.C.C. § 28-32-30.

3. Because Respondent is in default, the allegations in the Complaint are deemed admitted pursuant to N.D.C.C. § 28-32-30.

4. Respondent's violations of N.D.C.C. §§ 26.1-02.1-02.1, 26.1-26-15 and 26.1-26-42(1), (4), and (5) are grounds for revocation of his insurance producer license.

5. Under N.D.C.C. § 26.1-26-42, the Commissioner of Insurance has authority to revoke Respondent's producer license for the violations cited above.

DEFAULT ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, IT IS ORDERED that the North Dakota insurance producer license of Dustin Llewellyn, NPN

17039507, be **REVOKED** effective after the time for filing a motion to vacate a Default Order pursuant to N.D.C.C. § 28-32-30 expires.

DATED at Bismarck, North Dakota, this 11th day of April, 2016.

Adam Hamm
Commissioner
N.D. Insurance Department
600 East Boulevard Avenue
Bismarck, ND 58505
(701) 328-2440

TO: Dustin Llewellyn
1272 Ridge Lane
Belle Plaine, MN 56011

SENDER: Jeff Ubben

REFERENCE: Dustin Llewellyn

9314 8699 0430 0020 7154 83

PS Form 3800, January 2005

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Nancy Brady:

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Signature of Recipient : Du Sovin Llewellyn

Address of Recipient : 1272 Ridgeln

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Sincerely,
United States Postal Service