

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

<b>In the Matter of</b>	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW,</b>
<b>Ellery J. Moreland,</b>	)	<b>AND DEFAULT ORDER</b>
<b>NPN 3560023,</b>	)	
	)	<b>CASE NO. AG-15-521</b>
<b>Respondent.</b>	)	

**TO: Ellery J. Moreland, 16602 Blenheim Drive, Lutz, FL 33549**

On March 9, 2015, 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 Ellery J. Moreland, NPN 3560023 ("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 March 9, 2015. Respondent accepted delivery of the certified mail on March 14, 2015. 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 22, 2015, 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 March 9, 2015. Respondent accepted delivery of the certified mail on March 14, 2015. 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

On or about October 14, 2013, Respondent applied for a nonresident producer license. On the initial insurance producer application Respondent answered "no" in response to background questions 1A and 1B regarding whether Respondent had ever been convicted of a misdemeanor or a felony. Respondent was granted a nonresident insurance producer license on October 14, 2013.

V

On or about January 13, 2015, the Department received notification that Respondent submitted documentation to the National Insurance Producer Registry Attachments Warehouse regarding additional convictions that should have been disclosed on the initial application. During a review of court records and other information provided to the Department, it was revealed that Respondent was convicted of the following additional crimes which he did not disclose on his initial application:

1992	Repeated Phone Calls
1995	Battery and Resisting Arrest
1997	Battery
1998	Soliciting Another to Commit
2003	Trespassing

## VI

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).

## VII

The failure to disclose all criminal convictions was a material misrepresentation because the license would have been denied had the violations been properly disclosed. Respondent's license should be properly revoked now because issuance of the license would have been refused had the criminal convictions 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).

## VIII

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. § 26.1-26-42(5).

## IX

Respondent's actions constitute violations of N.D.C.C. §§ 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. §§ 26.1-26-15 and 26.1-26-42(1), (4), and (5) are grounds for revocation of her 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 Ellery J. Moreland, NPN 3560023, 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 22<sup>nd</sup> day of April, 2015.



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

**TO:** Ellery J. Moreland  
16602 Blenheim Drive  
Lutz, FL 33549

**SENDER:** Jeff Ubben

**REFERENCE:** Ellery J. Moreland

9314 8699 0430 0011 1477 36

PS Form 3800, January 2005

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Date: March 16, 2015

Nancy Brady:

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Signature of Recipient : Ellery A. Moreland  
Ellery Moreland

Address of Recipient : 16602-Blenheim Dr

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Sincerely,  
United States Postal Service