

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
John P. Gutschlag,)	AND DEFAULT ORDER
NPN 235691,)	
)	CASE NO. AG-15-510
Respondent.)	

TO: John P. Gutschlag, 6629 Rock Ridge Trail, Aubrey, TX 76227

On January 21, 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 John P. Gutschlag, NPN 235691 (“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 January 23, 2015. The mailing was returned to the Department marked “Unclaimed” on March 6, 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 January 23, 2015. The mailing was returned to the Department marked "Unclaimed" on March 6, 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

According to information obtained by the Department, on or about May 21, 2014, Respondent pled guilty to Conspiracy to Violate the Racketeering Act and to two counts of Money Laundering by engaging in monetary transactions involving property derived from wire and mail fraud, and was ordered to pay \$1.2 million in restitution.

Respondent's actions are in violation of N.D.C.C. §§ 26.1-02.1-02.1 and 26.1-26-15.

V

According to information obtained by the Department, effective May 27, 2014, Respondent voluntarily surrendered his resident insurance producer license in Texas. Since Respondent no longer holds an active resident license from another state, he no longer qualifies to hold a nonresident license in this state and, therefore, is subject to license revocation pursuant to N.D.C.C. §§ 26.1-26-20.

VI

Respondent's actions constitute violations of N.D.C.C. §§ 26.1-02.1-02.1, 26.1-26-15, and 26.1-26-20 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 26.1-26-20 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 John P. Gutschlag, NPN 235691, 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 22nd day of April, 2015.



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

TO: John P. Gutschlag
6629 Rock Ridge Trail
Aubrey, TX 76227

SENDER: Jeff Ubben

REFERENCE: John P. Gutschlag

9314 8699 0430 0010 0046 34

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	1.40
	Certified Fee	3.30
	Return Receipt Fee	1.35
	Restricted Delivery	0.00
	Total Postage & Fees	6.05

USPS®
Receipt for
Certified Mail™

No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR DATE

1/23/15



9314 8699 0430 0010 0046 34
RETURN RECEIPT (ELECTRONIC)

ZIP 58309 \$0001709
02 11 583582 JAN 23 2015

1-27-15

ADAM HAMM
COMMISSIONER OF INSURANCE
STATE OF NORTH DAKOTA
600 East Boulevard Avenue - Dept 401
Bismarck, North Dakota 58505-0320
RETURN SERVICES REQUESTED

MR JOHN P GUTSCHLAG
6629 ROCK RIDGE TRAIL
AUBREY TX 76227

REASON CHECKED
UNDELIVERABLE
NO ADDRESSES
NO PHONE NUMBERS
NO FAX NUMBERS
NO E-MAIL ADDRESSES
NO BUSINESS HOURS
NO BUSINESS NAMES
NO BUSINESS TYPES
NO BUSINESS CATEGORIES
NO BUSINESS INDUSTRY
NO BUSINESS SECTOR
NO BUSINESS SUBSECTOR
NO BUSINESS TYPE
NO BUSINESS CATEGORY
NO BUSINESS SUBCATEGORY
NO BUSINESS INDUSTRY
NO BUSINESS SECTOR
NO BUSINESS SUBSECTOR
NO BUSINESS TYPE
NO BUSINESS CATEGORY
NO BUSINESS SUBCATEGORY

NIXTE 762272027-1N 03/06/15
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
RETURN TO SENDER