

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
Drew Bauer,)	AND DEFAULT ORDER
NPN 17185061,)	
)	CASE NO. AG-15-572
Respondent.)	

TO: Drew Bauer, 407 West Third Street, Lot 12, Janesville, IA 50647

On October 28, 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 Drew Bauer, NPN 17185061 (“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 October 28, 2015. As of February 12, 2016, the certified mail delivery status was “unclaimed.” 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 March 16, 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 October 28, 2015. As of February 12, 2016, the certified mail delivery status is "unclaimed." 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 January 27, 2015, Respondent applied for a nonresident producer license. On the initial insurance producer application Respondent answered "yes" in response to background questions 1A and 1B regarding whether Respondent had ever been convicted of a misdemeanor or a felony. Respondent provided documents relating to felony and misdemeanor drug convictions. Respondent was granted a nonresident insurance producer license on January 27, 2015.

V

On or about July 21, 2015, the Department received notification that Missouri took administrative action against Respondent by refusing to issue a nonresident

license due to Respondent's failure to disclose a 2006 felony Burglary conviction on a license application. During a review of Respondent's licensing file, it was revealed that Respondent also failed to disclose the 2006 felony Burglary conviction on the application for a nonresident producer license in North Dakota.

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

On or about August 21, 2015, a letter was sent to Respondent by certified, return receipt requested, to the address on file requesting a written statement explaining the circumstances of the 2006 felony Burglary conviction and why it was not disclosed on the nonresident insurance producer application. The letter was returned to the Department marked "Return to Sender – Not Deliverable as Addressed – Unable to Forward." Respondent should have responded within 20 days and he did not. Respondent's failure to respond to a written request for information by the Commissioner within 20 days is in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(14).

X

Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(1), (4), (5), and (14) 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), (5), and (14) 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 Drew Bauer, NPN 17185061, 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 16th day of March, 2016.



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

TO: Drew Bauer
407 West Third Street, Lot 12
Janesville, IA 50647

SENDER: Jeff Ubben

REFERENCE: Drew Bauer

9314 8699 0430 0017 7387 61

PS Form 3800, January 2005

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