

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
Rebecca Benoit,)	AND DEFAULT ORDER
NPN 17311376,)	
)	CASE NO. AG-14-496
Respondent.)	

TO: Rebecca Benoit, 15 Eddy Street, West Warwick, RI 02893-3701

On November 20, 2014, 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 Rebecca Benoit, NPN 17311376 ("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 November 20, 2014. Respondent accepted delivery of the certified mail on November 24, 2014. 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). A revised Consent Order was then offered to Respondent and mailed by certified mail, return receipt requested, on December 9, 2014. Respondent accepted delivery of the certified mail on December 13, 2014. Respondent failed to respond to the Consent Order within 20 days. As such, on February 3, 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 November 20, 2014. Respondent accepted delivery of the certified mail on November 24, 2014. Respondent failed to provide a written response to the Complaint. A revised Consent Order was then offered to Respondent and mailed by certified mail, return receipt requested, on December 9, 2014. Respondent accepted delivery of the certified mail on December 13, 2014.

III

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

IV

On or about August 28, 2012, Respondent applied for a resident insurance producer license. At the time of application, Respondent had an active judgment of approximately \$21,056.26. Due to Respondent's financial history, she was offered a conditional license with 24 months of probation. The conditional license was issued on September 26, 2012, and would be removed on September 26, 2014, if all conditions were met. One of the conditions of the license was that all judgments must be paid in full by the end of the probationary period before an unrestricted license would be issued. At the end of the probationary period, a search of court records revealed the judgment was still outstanding.

V

On or about September 30, 2014, a letter was mailed to Respondent by certified mail, return receipt requested, requesting information relating to the status of the judgment. On October 14, 2014, the certified mailing was returned to the Department marked "unclaimed". Respondent failed to respond to the Department's request for information. Respondent's failure to respond to a written request for information by the Department within 20 days is a violation of N.D.C.C. § 26.1-26-42(14).

VI

Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(12) and (14) and are grounds for revocation of Respondent's insurance producer license.

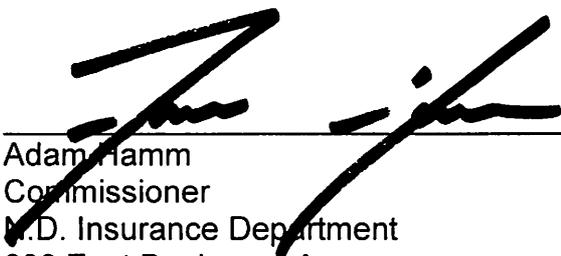
CONCLUSIONS OF LAW

1. Respondent was properly served with the Complaint in accordance with the North Dakota Rules of Civil Procedure.
2. Because of her 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(12) and (14) 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 Rebecca Benoit, NPN 17311376, 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 3rd day of February, 2015.



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

TO: Ms. Rebecca Benoit
15 Eddy Street
West Warwick, RI 02893

SENDER: Nancy Brady

REFERENCE: Rebecca Benoit

9314 8699 0430 0008 2853 97

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
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11/20/14

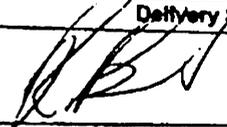


Date: November 25, 2014

Nancy Brady:

The following is in response to your November 25, 2014 request for delivery information on your Certified Mail™/RRE item number 9314869904300008285397. The delivery record shows that this item was delivered on November 24, 2014 at 1:25 pm in WEST WARWICK, RI 02893. The scanned image of the recipient information is provided below.

Signature of Recipient :

Delivery Section	
Signature	
Printed name	Rebecca Brady

Address of Recipient :

Delivery address	15 EDDY ST.
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Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

TO: Rebecca Benoit
15 Eddy Street
West Warwick, RI 02893-3701

SENDER: Nancy Brady

REFERENCE: Rebecca Benoit

9314 8699 0430 0008 9501 34

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	1.19
	Certified Fee	3.30
	Return Receipt Fee	1.35
	Restricted Delivery	0.00
	Total Postage & Fees	5.84

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12/9/14



Date: December 15, 2014

Nancy Brady:

The following is in response to your December 15, 2014 request for delivery information on your Certified Mail™/RRE item number 9314869904300008950134. The delivery record shows that this item was delivered on December 13, 2014 at 12:24 pm in WEST WARWICK, RI 02893. The scanned image of the recipient information is provided below.

Signature of Recipient :

Delivery Section	
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id	Rebecca Beroit

Address of Recipient :

cy	
ss	

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service