

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
Haroon Binwalee,)	AND DEFAULT ORDER
NPN 15896755,)	
)	CASE NO. AG-12-378
Respondent.)	

On October 24, 2012, 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 Haroon Binwalee, NPN 15896755 (“Respondent”), committed various violations of North Dakota insurance statutes. The Complaint was mailed to Respondent at the address on file with the Department via certified U.S. mail, return receipt requested, on October 24, 2012. Respondent accepted delivery of the certified mail on November 2, 2012. 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 December 4, 2012, 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

On October 24, 2012, the Complaint of Kelvin W. Zimmer was mailed to Respondent at his last known address by certified mail, return receipt requested. Respondent accepted delivery of the Complaint on November 2, 2012.

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 June 22, 2012, Respondent's application for an unrestricted license in the State of California was denied due to the failure to disclose felony convictions on the application. Respondent was issued a restricted license in the State of California.

V

On or about July 5, 1989, Respondent was convicted of Aggravated Battery, a felony, in the Cook County Circuit Court, Criminal Division, Chicago, Illinois. On or about July 13, 1993, Respondent was convicted of Unlawful Use of Weapon by Felon, a felony, in the Cook County Circuit Court, Criminal Division, Chicago, Illinois.

VI

On or about February 16, 2012, Respondent applied for a nonresident insurance producer license in the State of North Dakota. In response to background question number one in the application regarding whether a person has ever been convicted of a crime, Respondent answered "no". The felony convictions from 1989 and 1993 should have been reported on this license application. Had the convictions been reported on the license application, the nonresident license application would have been denied due to the felony convictions pursuant to N.D.C.C. § 26.1-26-42(5).

VII

On or about July 6, 2012, a letter was sent to the business address on file for Respondent requesting an explanation and documentation regarding the 1989 and 1993 felony convictions. The letter was sent by regular mail delivery. Respondent failed to respond within 20 days to the request in violation of N.D.C.C. § 26.1-26-42(14).

VIII

On or about August 1, 2012, a letter was sent to the mailing address on file for Respondent requesting an explanation and documentation regarding the 1989 and 1993 felony convictions. The letter was sent by certified mail, return receipt requested. On November 2, 2012, Respondent signed for the certified mail letter. Respondent failed to respond within 20 days to the request in violation of N.D.C.C. § 26.1-26-42(14).

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(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 Haroon Binwalee, NPN 15896755, 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 5th day of December, 2012.



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

Haroon Binwalee
TO: 6714 Greenshire Drive
Indianapolis, IN 46220-4022

SENDER: Nancy Brady

REFERENCE: Haroon Binwalee

7196 9008 9040 1272 9709

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	0.85
	Certified Fee	2.95
	Return Receipt Fee	1.15
	Restricted Delivery	0.00
	Total Postage & Fees	4.95

US Postal Service

**Receipt for
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POSTMARK OR DATE

10/24/12



Date: 11/05/2012

NANCY BRADY:

The following is in response to your 11/05/2012 request for delivery information on your Certified Mail(TM) item number 7196 9008 9040 1272 9709. The delivery record shows that this item was delivered on 11/02/2012 at 03:01 PM in INDIANAPOLIS, IN 46220. The scanned image of the recipient information is provided below.

Signature of Recipient:

Signature	<i>Haroon Bin Wale</i>
Printed Name	<i>Mr. Haroon Bin Wale</i>

Address of Recipient:

Address	<i>6714 Grand</i>
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