

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

| | | |
|------------------------|---|----------------------------|
| In the Matter of |) | FINDINGS OF FACT, |
| |) | CONCLUSIONS OF LAW, |
| Patricia Bowen, |) | AND DEFAULT ORDER |
| NPN 16794189, |) | |
| |) | CASE NO. AG-14-505 |
| Respondent. |) | |

TO: Patricia Bowen, 101 Second Street North, Ellendale, ND 58436

On December 9, 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 Patricia Bowen, NPN 16794189 (“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 December 9, 2014. The certified mailing was returned to the Department on December 24, 2014, marked “Return to Sender.” 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 January 21, 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 December 9, 2014. The certified mailing was returned to the Department on December 24, 2014, marked "Return to Sender." 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 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 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(12) 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 Patricia Bowen, NPN 16794189, 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 January, 2015.



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

TO: Ms. Patricia Bowen
101 Second Street North
Ellendale, ND 58436

SENDER: Nancy Brady

REFERENCE: Patricia Bowen

9314 8699 0430 0008 9157 44

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

12/9/14

English

Customer Service

USPS Mobile

Register / Sign In



USPS Tracking™



Customer Service ›
Have questions? We're here to help.

Tracking Number: 9314869904300008915744

Updated Delivery Day: **Wednesday, December 24, 2014**

Product & Tracking Information

Postal Product:
First-Class Mail®

Features:
Certified Mail™

| DATE & TIME | STATUS OF ITEM | LOCATION |
|------------------------------|----------------|--------------------|
| December 24, 2014 , 10:13 am | Delivered | BISMARCK, ND 58505 |

Available Actions

Return Receipt Electronic

Text Updates

Email Updates

Your item was delivered at 10:13 am on December 24, 2014 in BISMARCK, ND 58505

| | | |
|------------------------------|--------------------------------|-----------------------|
| December 24, 2014 , 2:04 am | Arrived at Unit | BISMARCK, ND 58504 |
| December 23, 2014 , 6:44 am | Departed USPS Facility | BISMARCK, ND 58504 |
| December 22, 2014 , 9:34 am | Arrived at USPS Facility | BISMARCK, ND 58504 |
| December 20, 2014 , 5:37 pm | Arrived at USPS Facility | FARGO, ND 58102 |
| December 19, 2014 , 7:01 pm | Departed USPS Facility | MINNEAPOLIS, MN 55401 |
| December 19, 2014 , 6:40 pm | Arrived at USPS Facility | MINNEAPOLIS, MN 55401 |
| December 12, 2014 , 7:36 am | Forwarded | ELLENDALE, ND |
| December 11, 2014 , 8:35 am | Arrived at Unit | ELLENDALE, ND 58436 |
| December 10, 2014 , 11:42 pm | Departed USPS Facility | FARGO, ND 58102 |
| December 10, 2014 , 6:20 am | Arrived at USPS Facility | FARGO, ND 58102 |
| December 9, 2014 , 10:43 pm | Arrived at USPS Facility | BISMARCK, ND 58504 |
| December 8, 2014 | Pre-Shipment Info Sent to USPS | |

Track Another Package

Tracking (or receipt) number

Track It