

**STATE OF NORTH DAKOTA**  
**BEFORE THE INSURANCE COMMISSIONER**

<p><b>In the Matter of</b></p> <p><b>Britton Q. Cerkoney,</b>  <b>NPN 16330436,</b></p> <p style="text-align: right;"><b>Respondent.</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>FINDINGS OF FACT,</b>  <b>CONCLUSIONS OF LAW,</b>  <b>AND DEFAULT ORDER</b></p> <p><b>CASE NO. AG-12-364</b></p>
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On August 9, 2012, a Complaint for Revocation of License was filed with the Insurance Commissioner by Rebecca L. Ternes, Deputy Commissioner for the North Dakota Insurance Department, alleging Britton Q. Cerkoney, NPN 16330436 (“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 August 9, 2012. Respondent accepted delivery of the certified mail on August 16, 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 October 15, 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 August 9, 2012, the Complaint of Rebecca L. Ternes was mailed to Respondent at his last known address by certified mail, return receipt requested. Respondent accepted delivery of the Complaint on August 16, 2012.

### 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 March 19, 2012, the Department was notified by the National Insurance Producer Registry ("NIPR") that Respondent's financial institution declined the electronic payment fee for his North Dakota producer license issued on August 4, 2011. NIPR has tried several times to make contact with Response with no response.

### V

On March 20, 2012, the Department sent a letter to the mailing address on file for Respondent of 3007 Winnipeg Drive, Bismarck, ND 58503, requesting payment of the NIPR electronic payment fee. To date, no response has been received.

### VI

On June 21, 2012, the Department sent a letter and Consent Order to the mailing address on file for Respondent by certified mail, return receipt requested. The letter and Consent Order were returned to the Department marked "unclaimed".

## VII

Respondent's violations of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(14) and N.D. Admin. Code § 45-02-02-02(1)(d) are grounds for revocation of his insurance producer license.

## VIII

On August 9, 2012, the Department mailed to Respondent, by certified mail, a letter and Complaint for Revocation of License. Respondent accepted delivery of the Complaint on August 16, 2012. Respondent failed to provide a written response to the Complaint.

### **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(14) and N.D. Admin. Code § 45-02-02-02(1)(d) 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 Britton Q. Cerkoney, NPN 16330436, 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 15<sup>th</sup> day of October, 2012.



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

Mr. Britton Q. Cerkoney  
3007 Winnipeg Drive  
Bismarck, ND 58503

**ENDER:** Nancy Brady

**REFERENCE:** Britton Cerkoney

7196 9008 9040 1103 2107

Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	0.45
	Certified Fee	2.95
	Return Receipt Fee	1.15
	Restricted Delivery	0.00
	Total Postage & Fees	4.55

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Date Produced: 08/20/2012

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Signature of Recipient:

Delivery section  
Signature: [Handwritten Signature]  
Name: N. K. Kowal

Address of Recipient:

Address: 1903 N 4th St

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Sincerely,

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