

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

<b>In the Matter of</b>	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW,</b>
<b>Rodrigo Diaz,</b>	)	<b>AND DEFAULT ORDER</b>
<b>NPN 16832030,</b>	)	
	)	<b>CASE NO. AG-14-497</b>
<b>Respondent.</b>	)	

**TO: Rodrigo Diaz, 1463 Frio Run, San Antonio, TX 78245**

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 Rodrigo Diaz, NPN 16832030 (“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. The certified mailing was returned to the Department on January 7, 2015, marked “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 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 November 20, 2014. The certified mailing was returned to the Department on January 7, 2015, marked "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 April 30, 2014, the Department was notified by Nationwide Mutual Insurance Company that Respondent's appointments with the following companies had been terminated effective April 2, 2014:

Nationwide Mutual Fire Insurance Company  
Nationwide Insurance Company of America  
Nationwide Affinity Insurance of America  
AMCO Insurance Company  
Allied P&C Insurance Company  
Depositors Insurance Company

The reason for the termination for cause was Respondent improperly withheld, misappropriated, or converted to his own use money belonging to a policyholder or insurer received in the course of one's insurance business.

#### V

Information provided by Nationwide Mutual Insurance Company states that on or about March 7, 2014, a policyholder called to purchase an insurance policy and was serviced telephonically by Respondent. On or about March 14, 2014, the policyholder called Nationwide and said she discovered two transactions were made on her credit card without her authorization and the transactions were made by Respondent. When confronted by Nationwide's Human Resources Consultant, Respondent confessed to using the policyholder's credit card to pay some personal charges totaling approximately \$1,100. Nationwide terminated Respondent's employment on April 2, 2014. Respondent's actions that led to the termination for cause are a violation of N.D.C.C. § 26.1-26-42(6) and (10).

#### VI

Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(6) and (10) 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(6) and (10) 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 Rodrigo Diaz, NPN 16832030, 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.



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

**TO:** Mr. Rodrigo Diaz  
1463 Frio Run  
San Antonio, TX 78245

**SENDER:** Nancy Brady

**REFERENCE:** Rodrigo Diaz

9314 8699 0430 0008 2854 65

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

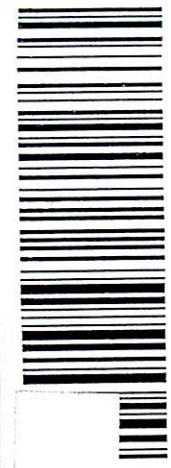
**USPS®**  
**Receipt for**  
**Certified Mail™**

No Insurance Coverage Provided  
Do Not Use for International Mail

POSTMARK OR DATE

11/20/14

CERTIFIED MAIL



9314 8699 0430 0008 2854 65  
RETURN RECEIPT (ELECTRONIC)



U.S. POSTAGE  
ZIP 58505 \$  
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ADAM HAMM

COMMISSIONER OF INSURANCE

STATE OF NORTH DAKOTA  
600 East Boulevard Avenue - Dept 401  
Bismarck, North Dakota 58505-0320

RETURN SERVICES REQUESTED

MR RODRIGO DIAZ  
1463 FRIO RUN  
SAN ANTONIO TX 78245

01/03/15

782453095-1N

NIXIE

RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD  
RETURN TO SENDER



LM  
11/24/14  
12/13  
12/20

English

Customer Service

USPS Mobile

Register / Sign In



# USPS Tracking™



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Tracking Number **9314869904300008285465**

Updated Delivery Day **Wednesday, January 7, 2015**

## Product & Tracking Information

**Postal Product:**  
First-Class Mail®

**Features:**  
Certified Mail™

## Available Actions

Return Receipt Electronic

Text Updates

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
January 7, 2015 , 10:04 am	Delivered	BISMARCK, ND 58505

Your item was delivered at 10:04 am on January 7, 2015 in BISMARCK, ND 58505

January 7, 2015 , 9:11 am	Out for Delivery	BISMARCK, ND 58504
January 7, 2015 , 9:01 am	Sorting Complete	BISMARCK, ND 58504
January 7, 2015 , 3:24 am	Arrived at Unit	BISMARCK, ND 58504
January 6, 2015 , 5:54 am	Departed USPS Facility	BISMARCK, ND 58504
January 6, 2015 , 4:21 am	Arrived at USPS Facility	BISMARCK, ND 58504
January 5, 2015 , 6:51 pm	Departed USPS Facility	FARGO, ND 58102
January 5, 2015 , 3:13 pm	Arrived at USPS Facility	FARGO, ND 58102
January 4, 2015 , 12:04 am	Departed USPS Facility	COPPELL, TX 75099
January 3, 2015 , 2:50 pm	Arrived at USPS Facility	COPPELL, TX 75099

## Track Another Package

Tracking (or receipt) number

Track It