

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
Michael Ippolito,)	AND DEFAULT ORDER
NPN 9568283,)	
)	CASE NO. AG-12-380
Respondent.)	

On October 29, 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 Michael Ippolito, NPN 9568283 (“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 29, 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 5, 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 29, 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 November 7, 2011, the State of Kansas revoked Respondent's nonresident insurance producer license due to his failure to respond to a request for information relating to a termination for cause by Transamerica Life Insurance Company for misrepresenting the nature of business Respondent submitted on behalf of certain groups, falsely verifying to the company that a licensed agent was present at the time of group enrollments, and submitting business on behalf of consumers who had not applied for coverage. Respondent's actions that lead to the revocation of his insurance producer license and not reporting the Kansas administrative action within 30 days to the Department are violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42(6) and (10), and 26.1-26-45.1.

V

According to information obtained by the Department, on or about February 7, 2012, the State of Idaho revoked Respondent's nonresident insurance producer license due to his failure to respond to a request for information relating to a termination for cause by Transamerica Life Insurance Company for misrepresenting the nature of business Respondent submitted on behalf of certain groups, falsely verifying to the company that a licensed agent was present at the time of group enrollments, and submitting business on behalf of consumers who had not applied for coverage. Respondent's actions that lead to the revocation of his insurance producer license and not reporting the Idaho administrative action within 30 days to the Department are violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42(6) and (10), and 26.1-26-45.1.

VI

According to information obtained by the Department, on or about March 22, 2012, the State of Connecticut revoked Respondent's nonresident insurance producer license due to his failure to respond to a request for information relating to a termination for cause by Transamerica Life Insurance Company for misrepresenting the nature of business Respondent submitted on behalf of certain groups, falsely verifying to the company that a licensed agent was present at the time of group enrollments, and submitting business on behalf of consumers who had not applied for coverage. Respondent's actions that lead to the revocation of his insurance producer license and not reporting the Connecticut administrative action within 30 days to the Department are violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42(6) and (10), and 26.1-26-45.1.

VII

According to information obtained by the Department, on or about April 9, 2012, the State of Arkansas revoked Respondent's nonresident insurance producer license due to his failure to appear at an investigative conference scheduled to investigate misconduct allegedly committed by Respondent as an appointed producer for Transamerica Life Insurance Company and Provident Life and Accident Insurance Company. Respondent's actions that lead to the revocation of his insurance producer license and not reporting the Arkansas administrative action within 30 days to the Department are violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42(6) and (10), and 26.1-26-45.1.

VIII

According to information obtained by the Department, on or about July 11, 2012, the State of California revoked Respondent's nonresident insurance producer license due to his failure to report the Kansas, Idaho, Connecticut, Arkansas, and South Dakota administrative actions. Respondent's action of not reporting the California administrative action within 30 days to the Department is a violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-45.1.

IX

According to information obtained by the Department, on or about August 9, 2012, the State of South Carolina revoked Respondent's nonresident insurance producer license due to his failure to respond to a request for information relating to a termination for cause by Transamerica Life Insurance Company for misrepresenting the nature of business Respondent submitted to the company. Respondent's actions that

lead to the revocation of his insurance producer license and not reporting the South Carolina administrative action within 30 days to the Department are violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42(6) and (10), and 26.1-26-45.1.

X

According to information obtained by the Department, on or about August 16, 2012, the State of Texas revoked Respondent's nonresident insurance producer license for actions relating to a termination for cause by Transamerica Life Insurance Company and Unum Life Insurance Company of America for failing to provide reasonable training and supervision designed to ensure that sub-brokers did not violate applicable laws and policies or procedures, failing to screen applications submitted through sub-brokers, failing and refusing to repay unearned commissions advanced, for misrepresenting the nature of business submitted on behalf of certain groups, falsely verifying to the company that a licensed agent was present at the time of group enrollments, and submitting business on behalf of consumers who had not applied for coverage. Respondent's actions that lead to the revocation of his insurance producer license and not reporting the Texas administrative action within 30 days to the Department are violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42(6) and (10), and 26.1-26-45.1.

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 Michael Ippolito, NPN 9568283, 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

Michael Ippolito
TO: 9 Misty Court
South hadley, MA 01075-1375

SENDER: Nancy Brady

REFERENCE: Michael Ippolito

7196 9008 9040 1282 1922

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
Certified Mail**

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Do Not Use for International Mail

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10/29/12



Date: 11/05/2012

NANCY BRADY:

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Signature of Recipient:

Signature: *[Handwritten Signature]*
Printed Name: *[Handwritten Name]*

Address of Recipient:

Address: *9 Misty CT*

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Sincerely,

United States Postal Service