

**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>Eric M. Lamchick,</b>	)	<b>AND DEFAULT ORDER</b>
<b>NPN 8468447,</b>	)	
	)	<b>CASE NO. AG-13-447</b>
<b>Respondent.</b>	)	

**TO: Eric M. Lamchick, 1230 SW 46<sup>th</sup> Way, Deerfield Beach, FL 33442**

On December 23, 2013, 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 Eric M. Lamchick, NPN 8468447 (“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 23, 2013. The mailing was returned to the Department marked “Unclaimed” on February 14, 2014. 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 March 3, 2014, 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 23, 2013. The mailing was returned to the Department marked "Unclaimed" on February 14, 2014. 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

Respondent has held a North Dakota nonresident individual insurance producer license since August 31, 2012. On his initial application, Respondent answered "no" to background question two which states, "Have you ever been named or involved as a party in an administrative proceeding regarding any professional or occupational license or registration?" According to information obtained by the Department, on or about April 17, 2012, Respondent was fined \$1,500 in Florida for soliciting health insurance

contracts without a valid appointment. Respondent failed to disclose the Florida administrative action on his initial application in North Dakota. Respondent's failure to disclose the Florida administrative action on his initial license application is in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(1).

#### V

According to information obtained by the Department, on or about January 2, 2013, South Dakota denied Respondent a nonresident license due to his failure to report the Florida administrative action and for failing to respond. Respondent failed to disclose the South Dakota action to the Department within 30 days. Respondent's action of not reporting the South Dakota 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.

#### VI

According to information obtained by the Department, on or about August 26, 2013, Virginia revoked Respondent's nonresident producer license for failing to report the Florida and South Dakota administrative actions and for failing to respond. Respondent failed to disclose the Virginia administrative action to the Department within 30 days. Respondent's action of not reporting the Virginia 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.

#### VII

On or about October 4, 2013, an email was sent to the address on file for Respondent requesting detailed information relating to the South Dakota and Virginia administrative actions and why they were not reported to the Department. Respondent failed to respond to the email. On or about October 14, 2013, a letter was sent to the

address on file for Respondent requesting detailed information relating to the South Dakota and Virginia administrative actions and why they were not reported to the Department. 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).

### VIII

Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42(1) and (14), and 26.1-26-45.1 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, 26.1-26-42(1) and (14), and 26.1-26-45.1 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 Eric M. Lamchick, NPN

8468447, 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 4<sup>th</sup> day of March, 2014.



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

Mr. Eric M. Lamchick  
**TO:** 1230 SW 46th Way  
Deerfield Beach, FL 33442

**SENDER:** Nancy Brady

**REFERENCE:** Eric Lamchick

7196 9008 9040 2216 2435

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	0.86
	Certified Fee	3.10
	Return Receipt Fee	1.25
	Restricted Delivery	0.00
	Total Postage & Fees	5.21

US Postal Service

**Receipt for  
Certified Mail**

No Insurance Coverage Provided  
Do Not Use for International Mail

POSTMARK OR DATE

12/23/13

**Brady, Nancy J.**

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**From:** US\_Postal\_Service@usps.com  
**Sent:** Wednesday, February 26, 2014 12:55 PM  
**To:** Brady, Nancy J.  
**Subject:** USPS Shipment Info for 71969008904022162435

This is a post-only message. Please do not respond.

Nancy Brady has requested that you receive the current Track & Confirm information, as shown below.

Current Track & Confirm e-mail information provided by the U.S. Postal Service.

Label Number: 71969008904022162435

Service Type: Certified Mail™

Shipment Activity	Location	Date & Time
Delivered	BISMARCK, ND 58505	February 14, 2014 10:17 am
Arrival at Unit	BISMARCK, ND 58504	February 14, 2014 4:01 am
Depart USPS Sort Facility	FARGO, ND 58102	February 13, 2014
Processed through USPS Sort Facility	FARGO, ND 58102	February 13, 2014 3:54 pm
Processed through USPS Sort Facility	TAMPA, FL 33630	February 11, 2014 11:34 pm
Depart USPS Sort Facility	TAMPA, FL 33630	February 11, 2014
Unclaimed	DEERFIELD BEACH, FL 33442	February 6, 2014 9:16 am

USPS has not verified the validity of any email addresses submitted via its online Track & Confirm tool.

For more information, or if you have additional questions on Track & Confirm services and features, please visit the Frequently Asked Questions (FAQs) section of our Track & Confirm site at <http://www.usps.com/shipping/trackandconfirm.htm>