

**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>Jazide Rosales,</b>	)	<b>AND DEFAULT ORDER</b>
<b>NPN 16157570,</b>	)	
	)	<b>CASE NO. AG-13-435</b>
<b>Respondent.</b>	)	

**TO: Jazide Rosales, 1834 West Woodlawn Avenue, San Antonio, TX 78201**

On November 20, 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 Jazide Rosales, NPN 16157570 (“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, 2013. Respondent accepted delivery of the certified mail on December 3, 2013. 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 23, 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 November 20, 2013. Respondent accepted delivery of the certified mail on December 3, 2013.

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, effective February 24, 2013, Respondent's resident insurance producer license in Texas expired. Since Respondent no longer holds an active resident license from another state, she no longer qualifies to hold a nonresident license in this state and, therefore, is subject to license revocation pursuant to N.D.C.C. §§ 26.1-26-20.

## V

According to information obtained by the Department, on or about May 31, 2011, Georgia issued a nonresident producer license to Respondent on a probationary status for one year due to her disclosure of a conviction for Possession of Marijuana in Bexar County, Texas, on an application for a nonresident producer license. On January 10, 2012, Respondent applied to North Dakota for a nonresident producer license and failed to disclose the Georgia administrative action on the application. Respondent's failure to disclose the Georgia administrative action on the license application is a violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(1).

## VI

According to information obtained by the Department, on or about October 24, 2012, Virginia revoked Respondent's nonresident producer license for failing to report the Georgia administrative action within 30 days. Respondent failed to report the Virginia action to the Department within 30 days. Respondent's failure to report the Virginia administrative action to the Department within 30 days is a violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-45.1.

## VII

According to information obtained by the Department, on or about June 8, 2013, Delaware revoked Respondent's nonresident producer license for failing to report the Georgia and Virginia administrative actions within 30 days. Respondent failed to report the Delaware action to the Department within 30 days. Respondent's failure to report the Delaware administrative action to the Department within 30 days is a violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-45.1.

## VIII

On or about September 20, 2013, a letter was sent to Respondent at her mailing address on file with the Department requesting information relating to the Georgia, Virginia, and Delaware administrative actions. 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).

## IX

Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-20, 26.1-26-42(1) and (14), and 26.1-26-45.1 and are grounds for revocation of Respondent's insurance producer license.

## X

On November 20, 2013, 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. Respondent accepted delivery of the certified mail on December 3, 2013. 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 her 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.

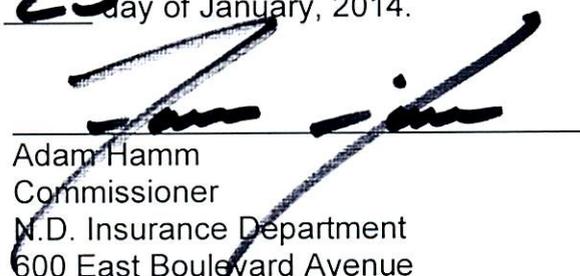
4. Respondent's violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-20, 26.1-26-42(1) and (14), and 26.1-26-45.1 are grounds for revocation of her insurance producer license.

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 Jazide Rosales, NPN 16157570, 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 23<sup>rd</sup> day of January, 2014.



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

Ms. Jazide Rosales  
**TO:** 1834 West Woodlawn Avenue  
San Antonio, TX 78201

**SENDER:** Nancy Brady

**REFERENCE:** Jazide Rosales

7196 9008 9040 2152 4722

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

11/20/13

Date: December 4, 2013

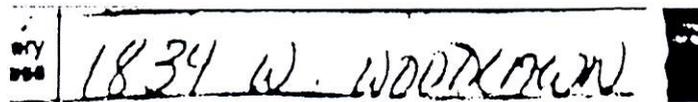
Nancy Brady:

The following is in response to your December 4, 2013 request for delivery information on your Certified Mail™ item number 71969008904021524722. The delivery record shows that this item was delivered on December 3, 2013 at 12:34 pm in SAN ANTONIO, TX 78201. The scanned image of the recipient information is provided below.

Signature of Recipient :

The image shows a scanned signature of Frank Rozicki. The signature is written in black ink on a white background. The name "Frank Rozicki" is clearly legible. To the right of the signature, there is a black rectangular redaction mark.

Address of Recipient :

The image shows a scanned address: "1834 W. WOODKIN". The address is written in black ink on a white background. To the right of the address, there is a black rectangular redaction mark.

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,  
United States Postal Service