

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
Mark P. Santos,)	AND DEFAULT ORDER
NPN 8009944,)	
)	CASE NO. AG-13-416
Respondent.)	

TO: Mark A. Santos, 1603 Gardenia Drive, Houston, TX 77018-5105

On August 22, 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 Mark P. Santos, NPN 8009944 (“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 August 22, 2013. The mailing was returned to the Department marked “Unclaimed” on October 22, 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 November 1, 2013, 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 August 22, 2013. The mailing was returned to the Department marked "Unclaimed" on October 22, 2013.

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 1, 2012, Respondent renewed his nonresident producer license and answered "no" to background question number two relating to whether Respondent had been named or involved as a party in an administrative proceeding regarding any professional or occupational license which had not been previously reported to the Department. According to information obtained by the Department, on or about July 11, 2011, Respondent was fined \$100 in Kansas for failure to file an annual statement. On or about September 23, 2011, Respondent's nonresident license was revoked in

Kansas for failure to pay the \$100 fine. Respondent failed to disclose the Kansas action to the Department within 30 days and also failed to disclose the Kansas action on the renewal application. Respondent's actions that lead to the revocation of his insurance producer license in Kansas and not reporting the Kansas administrative action within 30 days to the Department or on the renewal application are violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42, and 26.1-26-45.1.

V

According to information obtained by the Department, on or about May 9, 2012, Washington revoked Respondent's nonresident producer license for failing to report the Kansas revocation action relating to the failure to pay the \$100 fine. Respondent failed to disclose the Washington action to the Department within 30 days. Respondent's actions that lead to the revocation of his insurance producer license in Kansas and not reporting the Washington administrative action within 30 days to the Department are violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42, and 26.1-26-45.1.

VI

According to information obtained by the Department, on or about May 14, 2012, Virginia revoked Respondent's nonresident producer license for failing to report the Kansas revocation action relating to the failure to pay the \$100 fine and for failing to respond. Respondent failed to disclose the Virginia action to the Department within 30 days. Respondent's actions that lead to the revocation of his insurance producer license in Kansas and not reporting the Virginia administrative action within 30 days to the Department are violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42, and 26.1-26-45.1.

VII

According to information obtained by the Department, on or about June 11, 2012, Utah revoked Respondent's nonresident producer license for failing to report the Kansas revocation action relating to the failure to pay the \$100 fine. Respondent failed to disclose the Utah action to the Department within 30 days. Respondent's actions that lead to the revocation of his insurance producer license in Kansas and not reporting the Utah administrative action within 30 days to the Department are violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42, and 26.1-26-45.1.

VIII

According to information obtained by the Department, on or about August 2, 2012, South Dakota revoked Respondent's nonresident producer license for failing to report the Kansas revocation action relating to the failure to pay the \$100 fine and for failing to respond. Respondent failed to disclose the South Dakota action to the Department within 30 days. Respondent's actions that lead to the revocation of his insurance producer license in Kansas and not reporting the South Dakota administrative action within 30 days to the Department are violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42, and 26.1-26-45.1.

IX

According to information obtained by the Department, on or about August 13, 2012, Maine revoked Respondent's nonresident producer license for failing to report the Kansas revocation action relating to the failure to pay the \$100 fine. Respondent failed to disclose the Maine action to the Department within 30 days. Respondent's actions that lead to the revocation of his insurance producer license in Kansas and not reporting

the Maine administrative action within 30 days to the Department are violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42, and 26.1-26-45.1.

X

According to information obtained by the Department, on or about December 17, 2012, Delaware revoked Respondent's nonresident producer license for failing to report the Kansas revocation action relating to the failure to pay the \$100 fine. Respondent failed to disclose the Delaware action to the Department within 30 days. Respondent's actions that lead to the revocation of his insurance producer license in Kansas and not reporting the Delaware administrative action within 30 days to the Department are violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42, and 26.1-26-45.1.

XI

According to information obtained by the Department, on or about January 2, 2013, Vermont revoked Respondent's nonresident producer license for failing to report the Kansas revocation action relating to the failure to pay the \$100 fine. Respondent failed to disclose the Vermont action to the Department within 30 days. Respondent's actions that lead to the revocation of his insurance producer license in Kansas and not reporting the Vermont administrative action within 30 days to the Department are violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42, and 26.1-26-45.1.

XII

According to information obtained by the Department, on or about January 3, 2013, Massachusetts revoked Respondent's nonresident producer license for a misstatement on an application. Respondent failed to disclose the Massachusetts action to the Department within 30 days. Respondent's actions that lead to the

revocation of his insurance producer license in Kansas and not reporting the Massachusetts administrative action within 30 days to the Department are violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42, and 26.1-26-45.1.

XIII

According to information obtained by the Department, on or about January 29, 2013, New Hampshire revoked Respondent's nonresident producer license for failing to report the Kansas revocation action relating to the failure to pay the \$100 fine. Respondent failed to disclose the New Hampshire action to the Department within 30 days. Respondent's actions that lead to the revocation of his insurance producer license in Kansas and not reporting the New Hampshire administrative action within 30 days to the Department are violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42, and 26.1-26-45.1.

XIV

According to information obtained by the Department, on or about March 8, 2013, New York revoked Respondent's nonresident producer license for failing to report the Kansas revocation action relating to the failure to pay the \$100 fine and for failing to respond. Respondent failed to disclose the New York action to the Department within 30 days. Respondent's actions that lead to the revocation of his insurance producer license in Kansas and not reporting the New York administrative action within 30 days to the Department are violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42, and 26.1-26-45.1.

XV

On or about June 6, 2013, a letter was sent to Respondent requesting a detailed letter explaining his position with regard to the revocation of his Kansas nonresident license and why it was not disclosed to the Department at the time of the North Dakota nonresident license renewal. The letter also requested an explanation with regarding to the revocation actions in the other states and why those administrative actions 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).

XVI

Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42, and 26.1-26-45.1 and are grounds for revocation of Respondent's insurance agent license.

XVII

On August 22, 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. The mailing was returned to the Department marked "Unclaimed" on October 22, 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 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, 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 Mark P. Santos, NPN 8009944, 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 day of November, 2013.



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

Mr. Mark P. Santos
TO: 1603 Gardenia Drive
Houston, TX 77018-5105

SENDER: Nancy Brady

REFERENCE: Mark P. Santos

7196 9008 9040 1938 1306

PS Form 3800, January 2005

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Available Options

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Features:

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DATE & TIME	STATUS OF ITEM	LOCATION
October 22, 2013 , 9:48 am	Delivered	BISMARCK, ND 58505
October 22, 2013 , 4:30 am	Arrival at Unit	BISMARCK, ND 58504
October 21, 2013	Depart USPS Sort Facility	FARGO, ND 58102
October 21, 2013 , 6:51 am	Processed through USPS Sort Facility	FARGO, ND 58102
October 19, 2013 , 10:08 pm	Processed through USPS Sort Facility	NORTH HOUSTON, TX 77315
October 17, 2013 , 3:32 pm	Unclaimed	HOUSTON, TX 77092

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