

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
Andrew Vanyo,)	AND DEFAULT ORDER
NPN 16695724,)	
)	CASE NO. AG-14-499
Respondent.)	

TO: Andrew Vanyo, 451 33rd Street NE, Northwood, ND 58267

On December 2, 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 Andrew Vanyo, NPN 16695724 (“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 2, 2014. Delivery of the certified mail was made on December 4, 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 January 8, 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 December 2, 2014. Delivery of the certified mail was made on December 4, 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

On or about May 22, 2012, Respondent applied for a resident insurance producer license. In that application, he answered "yes" to background question seven regarding any child support obligation in arrearage. He disclosed an arrearage of approximately \$5,418 and stated he was subject to a repayment agreement. Due to Respondent's child support arrearage, he was offered a conditional license with 24 months of probation. The conditional license was issued on June 27, 2012, and would be removed on June 27, 2014, if all conditions were met. One of the conditions of the

license was that all child support obligations must be brought completely current by the end of the probationary period before an unrestricted license will be issued.

V

On or about August 11, 2014, a letter was mailed to Respondent by certified mail, return receipt requested, requesting verification that his child support obligation had been satisfied. Respondent accepted delivery of the certified mail on August 13, 2014. On August 13, 2014, Respondent emailed the Department indicating that he no longer wished to maintain his resident insurance producer license. The Department responded with a copy of the Voluntary Cancellation Request Form and requested that it be completed and returned to the Department. Respondent indicated that he would complete and return the form.

VI

On or about September 5, 2014, an email was sent to Respondent asking whether he was going to submit the Voluntary Cancellation Request Form. Respondent failed to respond to the email within 20 days. 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).

VII

On or about October 2, 2014, an email was sent to Respondent regarding the status of the Voluntary Cancellation Request Form. Respondent failed to respond to the email within 20 days. 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

On or about November 7, 2014, an email was sent to Respondent regarding the status of the Voluntary Cancellation Request Form. Respondent failed to respond to the email within 20 days. 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 and 26.1-26-42(12) and (14) 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(12) 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 Andrew Vanyo, NPN

16695724, 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 8th day of January, 2015.



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

TO: Mr. Andrew Vanyo
451 33rd Street NE
Northwood, ND 58267

SENDER: Nancy Brady

REFERENCE: Andrew Vanyo

9314 8699 0430 0008 7533 53

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

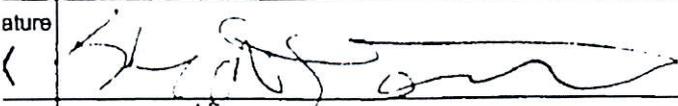
12/2/14

Date: December 9, 2014

Nancy Brady:

The following is in response to your December 9, 2014 request for delivery information on your Certified Mail™/RRE item number 9314869904300008753353. The delivery record shows that this item was delivered on December 4, 2014 at 10:39 am in NORTHWOOD, ND 58267. The scanned image of the recipient information is provided below.

Signature of Recipient :

Delivery Section	
Signature	
Printed Name	Heather Lantz

Address of Recipient :

Delivery Address	451 53rd St NE
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Thank you for selecting the Postal Service for your mailing needs.

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Sincerely,
United States Postal Service