STATE OF NORTH DAKOTA

BEFORE THE INSURANCE COMMISSIONER

In the Matter of	)	**FINDINGS OF FACT,**
	)	**CONCLUSIONS OF LAW,**
Michael Hizy,	)	**AND DEFAULT ORDER**
NPN 17312212,	)	
	)	**CASE NO. AG-16-609**
Respondent.	)	

TO: Michael Hizy, 999 NE 23rd Drive, Apt. 105, Wilton Manors, FL 33305-1257

On April 21, 2016, 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 Hizy, NPN 17312212 ("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 April 21, 2016. The certified mail was delivered on April 23, 2016. 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 June 16, 2016, 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 April 21, 2016. The certified mail was delivered on April 23, 2016. 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 been licensed as a nonresident insurance producer in North Dakota since November 4, 2015.

V

On or about January 25, 2016, the Department received information from Respondent regarding a June 23, 2000, arrest for Beverage Law Violation and Trespass. On or about September 12, 2000, Respondent pled nolo contendere to the charge of Possession of Alcohol Under 21. A review of Respondent's licensing file revealed that the conviction was not disclosed on Respondent's nonresident insurance application in North Dakota. Respondent's failure to disclose the criminal conviction on a license application is in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(1).

VI

On or about February 23, 2016, a Consent Order was offered to Respondent for being in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(1). The Consent Order was mailed to Respondent by certified mail, return receipt requested. Respondent failed to sign and return the Consent Order within 20 days.

VII

Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(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 and 26.1-26-42(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 Michael Hizy, NPN 17312212, 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 17th day of June, 2016.

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

TO: Michael Hizy
999 NE 23rd Drive, Apt. 105
Wilton Manors, FL 33305-1257

SENDER: Jeff Ubben

REFERENCE: Michael Hizy

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PS Form 3800, January 2005

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