

**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>Linda Kaufert,</b>	)	<b>AND DEFAULT ORDER</b>
<b>NPN 366815,</b>	)	
	)	<b>CASE NO. AG-15-575</b>
<b>Respondent.</b>	)	

**TO: Linda Kaufert, 901 Saunders Road, Apt. 11, Kaukauna, WI 54130-8465**

On October 28, 2015, 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 Linda Kaufert, NPN 366815 (“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 October 28, 2015. The mailing was returned to the Department marked “Unclaimed” on November 20, 2015. 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 December 14, 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 October 28, 2015. The mailing was returned to the Department marked "Unclaimed" on November 20, 2015. 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 January 16, 2014.

V

According to information received by the Department, on or about September 4, 1986, Respondent was convicted of felony Embezzlement of Funds by a bank employee. During a review of Respondent's licensing file, it was revealed that

Respondent failed to disclose the 1986 felony conviction on her initial nonresident insurance producer application in 2014.

#### VI

By her actions of failing to disclose all criminal convictions, Respondent made a materially untrue statement in his license application in an attempt to acquire a license through misrepresentation or fraud and has shown herself to be untrustworthy, financially irresponsible, and not of good personal reputation. This conduct constitutes a violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(1).

#### VII

The failure to disclose all criminal convictions was a material misrepresentation because the license would have been denied had the violation been properly disclosed. Respondent's license should be properly revoked now because issuance of the license would have been refused had the criminal conviction been known to the Commissioner at the time of issuance. This conduct constitutes grounds for revocation of Respondent's license pursuant to N.D.C.C. § 26.1-26-42(4).

#### VIII

The Respondent has been convicted of offenses that have a direct bearing on a person's ability to serve the public as an insurance producer. This conduct constitutes grounds for revocation of Respondent's license pursuant to N.D.C.C. § 26.1-26-42(5).

#### IX

On or about August 21, 2015, a letter was sent to Respondent by certified, return receipt requested, to the address on file requesting a written statement explaining the circumstances of the 1986 felony Embezzlement of Funds conviction and why it was not

disclosed on the nonresident insurance producer application. The letter was returned to the Department marked "Return to Sender – Unclaimed – Unable to Forward."

Respondent should have responded within 20 days and she did not. Respondent's failure to respond to a written request for information by the Commissioner within 20 days is in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(14).

X

Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(1), (4), (5), 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 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 and 26.1-26-42(1), (4), (5), and (14) 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 Linda Kaufert, NPN

366815, 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 14<sup>th</sup> day of December, 2015.



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

**TO:** Linda Kaufert  
901 Saunders Road, Apt. 11  
Kaukauna, WI 54130-8465

**SENDER:** Jeff Ubben

**REFERENCE:** Linda Kaufert

9314 8699 0430 0017 7398 29

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	1.42
	Certified Fee	3.45
	Return Receipt Fee	1.40
	Restricted Delivery	0.00
	Total Postage & Fees	6.27

**USPS®**  
**Receipt for**  
**Certified Mail®**  
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Do Not Use for International Mail

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10/28/15

English

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Updated Delivery Day: Friday, November 20, 2015

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## Available Actions

Return Receipt Electronic

Text Updates

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
November 20, 2015 , 9:41 am	Delivered	BISMARCK, ND 58505
Your item was delivered at 9:41 am on November 20, 2015 in BISMARCK, ND 58505.		
November 20, 2015 , 8:36 am	Out for Delivery	BISMARCK, ND 58504
November 20, 2015 , 8:26 am	Sorting Complete	BISMARCK, ND 58504
November 20, 2015 , 6:42 am	Arrived at Unit	BISMARCK, ND 58504
November 18, 2015 , 5:01 am	Departed USPS Facility	GREEN BAY, WI 54303
November 17, 2015 , 9:59 pm	Arrived at USPS Destination Facility	GREEN BAY, WI 54303
November 17, 2015 , 8:20 am	Unclaimed/Max Hold Time Expired	KAUKAUNA, WI 54130
October 30, 2015 , 10:32 am	Notice Left (No Authorized Recipient Available)	KAUKAUNA, WI 54130
October 30, 2015 , 8:58 am	Out for Delivery	KAUKAUNA, WI 54130
October 30, 2015 , 6:44 am	Arrived at Unit	KAUKAUNA, WI 54130
October 30, 2015 , 3:10 am	Arrived at USPS Destination Facility	OSHKOSH, WI 54901
October 29, 2015 , 5:49 am	Departed USPS Facility	BISMARCK, ND 58504
October 28, 2015 , 9:31 pm	Arrived at USPS Facility	BISMARCK, ND 58504
October 28, 2015	Pre-Shipment Info Sent to USPS	

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