**STATE OF NORTH DAKOTA**

**BEFORE THE INSURANCE COMMISSIONER**

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| **In the Matter of** | ) | **FINDINGS OF FACT,** |
| | ) | **CONCLUSIONS OF LAW,** |
| **John Martin,** | ) | **AND DEFAULT ORDER** |
| **NPN 17096865,** | ) | |
| | ) | **CASE NO. AG-16-601** |
| **Respondent.** | ) | |

**TO: John Martin, 1347 East Dakota, Fresno, CA 93704**

On February 1, 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 John Martin, NPN 17096865 ("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 February 2, 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 April 8, 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 February 2, 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

According to information received by the Department, on or about August 7, 2015, Respondent's nonresident producer license was revoked in Indiana for failing to report another state's action. The administrative action should have been reported to the Department within 30 days and it was not. Respondent's failure to report an administrative action within 30 days is in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-45.1(1).

V

During a review of Respondent's licensing record, it was discovered that on or about November 15, 2013, Respondent was fined in Louisiana for failing to make a required disclosure on an application. The administrative action should have been

reported to the Department within 30 days and it was not. Respondent's failure to report an administrative action within 30 days is in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-45.1(1).

VI

During a review of Respondent's licensing record, it was discovered that on or about December 9, 2013, Respondent was denied an insurance producer license in South Dakota. The administrative action should have been reported to the Department within 30 days and it was not. Respondent's failure to report an administrative action within 30 days is in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-45.1(1).

VII

During a review of Respondent's licensing record, it was discovered that on or about March 12, 2014, Respondent was denied an insurance producer license in Utah. The administrative action should have been reported to the Department within 30 days and it was not. Respondent's failure to report an administrative action within 30 days is in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-45.1(1).

VIII

During a review of Respondent's licensing record, it was discovered that on or about April 1, 2014, Respondent was denied an insurance producer license in Louisiana. The administrative action should have been reported to the Department within 30 days and it was not. Respondent's failure to report an administrative action within 30 days is in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-45.1(1).

IX

During a review of Respondent's licensing record, it was discovered that on or about June 5, 2014, Respondent was denied an insurance producer license in Missouri. The administrative action should have been reported to the Department within 30 days and it was not. Respondent's failure to report an administrative action within 30 days is in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-45.1(1).

X

During a review of Respondent's licensing record, it was discovered that on or about August 16, 2014, Respondent was denied an insurance producer license in Colorado. The administrative action should have been reported to the Department within 30 days and it was not. Respondent's failure to report an administrative action within 30 days is in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-45.1(1).

XI

During a review of Respondent's licensing record, it was discovered that on or about December 16, 2014, Respondent's nonresident insurance producer license was revoked in Kansas. The administrative action should have been reported to the Department within 30 days and it was not. Respondent's failure to report an administrative action within 30 days is in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-45.1(1).

XII

During a review of Respondent's licensing record, it was discovered that Respondent no longer holds a resident insurance producer license in California. Since Respondent no longer holds an active resident license from another state, he 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.

XIII

On or about November 2, 2015, a letter was sent to Respondent by certified mail, return receipt requested, requesting information relating to the administrative actions. Delivery of the certified mail was accepted on November 9, 2015. To date, no response has been received from Respondent. Respondent's failure to respond to a written request for information by the Department is in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(14).

XIV

Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-20, 26.1-26-42(14), and 26.1-26-45.1(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, 26.1-26-20, 26.1-26-42(14), and 26.1-26-45.1(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 John Martin, NPN 17096865, 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 11th day of April, 2016.

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

**TO:** Mr. John Martin
1347 East Dakota
Fresno, CA 93704

**SENDER:** Jeff Ubben

**REFERENCE:** John Martin

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PS Form 3800, January 2005

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