

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
Matthew Kozlowski,)	AND DEFAULT ORDER
NPN 15818531,)	
)	CASE NO. AG-13-397
Respondent.)	

On April 24, 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 Matthew Kozlowski, NPN 15818531 (“Respondent”), committed various violations of North Dakota insurance statutes. The Complaint was mailed to Respondent at the address on file with the Department via certified U.S. mail, return receipt requested, on April 25, 2013. Respondent accepted delivery of the certified mail on May 2, 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 May 23, 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

On April 25, 2013, the Complaint of Kelvin W. Zimmer was mailed to Respondent at his last known address by certified mail, return receipt requested. Respondent accepted delivery of the Complaint on May 2, 2013.

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to information obtained by the Department, on or about October 22, 2012, Respondent's nonresident producer license was revoked in the State of Kansas due to a termination for cause by Golden Rule Insurance Company. Golden Rule Insurance Company terminated Respondent's appointment due to numerous complaints against Respondent for omissions of significant health history from applications for insurance submitted by Respondent. Respondent failed to disclose the Kansas 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 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.

V

According to information obtained by the Department, on or about January 4, 2013, Respondent's nonresident producer license was revoked in the State of Idaho due to a termination for cause by Golden Rule Insurance Company. Golden Rule Insurance Company terminated Respondent's appointment due to numerous complaints against Respondent for omissions of significant health history from applications for insurance submitted by Respondent. Respondent failed to disclose the Idaho action to the Department within 30 days. Respondent's actions that lead to the revocation of his insurance producer license in Idaho and not reporting the 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 January 22, 2013, Respondent's nonresident producer license was revoked in the State of Kentucky due to a failure to respond to a request for information relating to the termination for cause by Golden Rule Insurance Company. Golden Rule Insurance Company terminated Respondent's appointment due to numerous complaints against Respondent for omissions of significant health history from applications for insurance submitted by Respondent. Respondent failed to disclose the Kentucky action to the Department within 30 days. Respondent's actions that lead to the revocation of his insurance producer license in Kentucky and not reporting the Kentucky 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 February 11, 2013, Respondent's nonresident producer license was revoked in the State of California due to a termination for cause by Golden Rule Insurance Company. Golden Rule Insurance Company terminated Respondent's appointment due to numerous complaints against Respondent for omissions of significant health history from applications for insurance submitted by Respondent. Respondent's actions that lead to the revocation of his insurance producer license in California is a violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42.

VIII

On or about February 21, 2013, an email was sent to Respondent requesting information regarding the Golden Rule Insurance Company termination for cause and the reporting of the administrative actions in other states. Respondent failed to respond to the Department 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 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.

X

On April 25, 2013, the Department mailed to Respondent, by certified mail, a letter and Complaint for Revocation of License. Respondent accepted delivery of the Complaint on May 2, 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 Matthew Kozlowski, NPN 15818531, 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 23rd day of May, 2013.



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

Matthew Kozlowski
3275 W Hillsboro
Deerfield, FL 33442

SENDER: Nancy Brady

REFERENCE: Matthew Kozlowski

7196 9008 9040 1671 1977

Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	0.86
	Certified Fee	3.10
	Return Receipt Fee	1.25
	Restricted Delivery	0.00
	Total Postage & Fees	5.21

US Postal Service
Receipt for Certified Mail
Insurance Coverage Provided
Not Use for International Mail

POSTMARK OR DATE

4/25/13



Date: May 9, 2013

nancy brady:

The following is in response to your May 9, 2013 request for delivery information on your Certified Mail™ item number 71969008904016711977. The delivery record shows that this item was delivered on May 2, 2013 at 11:42 am in DEERFIELD BEACH, FL 33442. The scanned image of the recipient information is provided below.

Signature of Recipient :

A scanned image of a signature strip. The signature is handwritten and appears to read "Alexandra Guadalupe". There is a small stamp or mark above the signature.

Address of Recipient :

A scanned image of a handwritten address. The address is "13275 W Hillside".

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service