

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
Juan Porras,)	AND DEFAULT ORDER
NPN 17057886,)	
)	CASE NO. AG-16-659
Respondent.)	

TO: Juan Porras, c/o The General, 5005 South 40th Street, #120, Phoenix, AZ 85040

On August 18, 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 Juan Porras, NPN 17057886 (“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 August 18, 2016. Delivery of the certified mail was accepted on August 22, 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 September 22, 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 August 18, 2016. Delivery of the certified mail was accepted on August 22, 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 October 31, 2014.

V

On or about May 9, 2016, the Department received notification that documents were filed in the National Insurance Producer Registry Attachment Warehouse regarding charges for Possession or Use of Marijuana and Possession of Drug Paraphernalia on June 17, 2009. A review of Respondent's file revealed that the

convictions were not disclosed on Respondent's initial nonresident insurance application in North Dakota in 2014. Respondent's failure to disclose the criminal convictions on a license application is in violation of N.D.C.C. § 26.1-26-42(1).

VI

On or about May 13, 2016, an email was sent to Respondent requesting information relating to the criminal convictions and why they were not disclosed on Respondent's initial application in 2014. To date, there has been no response to the Department's request for information. 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

Respondent's actions constitute violations of N.D.C.C. § 26.1-26-42(1) and (14) and are grounds for revocation of Respondent's insurance agent 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. § 26.1-26-42(1) 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 Heather Lee, NPN 15908639, 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 September, 2016.



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

TO: Juan Porras
C/o The General
5005 South 40th Street, #120
Phoenix, AZ 85040

SENDER: Jeff Ubben

REFERENCE: Juan Porras

9314 8699 0430 0025 8172 67

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8/18/16

Juan Porras

Date: August 23, 2016

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