

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
David Clayborne-Harris,)	AND DEFAULT ORDER
NPN 18248897,)	
)	CASE NO. AG-18-752
Respondent.)	

TO: David Clayborne-Harris, 6957 Long Pine Circle, Coconut Creek, FL 33073

On February 21, 2018, 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 David Clayborne-Harris, NPN 18248897 (“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 22, 2018. On March 19, 2018, the certified mail was returned to the Department. 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 [date of Kelvin signing his default documents], 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 [date of mailing]. On [date of return], the certified mail was returned to the Department. 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

On or about May 15, 2017, Donna Mattson, consumer, contacted the North Dakota Insurance Department complaining that her agent, Respondent, sold her a policy that was inappropriate for her needs. She understood the plan to be a major medical ACA compliant plan. It was not. The Department attempted to contact Respondent via mail, both USPS and certified mail, at his last reported address and by telephone at his last reported phone number between June 2017 and February 2017.

V

Those letters and phone calls went unanswered by the Respondent. 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).

VI

On or about January 31, 2017, a Consent Order was offered to Respondent for being in violation of N.D.C.C. § 26.1-26-42(6) and (14). The Consent Order was mailed to Respondent by certified mail, return receipt requested. On March 17, 2017, the certified mail was returned to the Department. Respondent failed to sign and return the Consent Order within 20 days.

VII

Respondent's actions constitute violations of N.D.C.C. § 26.1-26-42 (14) is 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 Respondent's 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. § [sections that were violated] are grounds for revocation of Respondent's 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 David Clayborne-Harris, NPN 18248897, 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 March, 2017.



Jon Godfread
Commissioner
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