

**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>Davin Patzlaff,</b>	)	<b>AND DEFAULT ORDER</b>
<b>NPN 16718031,</b>	)	
	)	<b>CASE NO. AG-15-574</b>
<b>Respondent.</b>	)	

**TO: Davin Patzlaff, P.O. Box 5250, Sioux Falls, SD 57117**

On December 17, 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 Davin Patzlaff, NPN 16718031 ("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 December 17, 2015. Delivery of the certified mail was accepted on December 21, 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 January 20, 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 December 17, 2015. Delivery of the certified mail was accepted on December 21, 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 6, 2014.

V

According to information received by the Department, on May 1, 2015, Respondent entered a plea of guilty to a charge of Distribution or Possession With Intent to Distribute Marijuana. Respondent was sentenced to imprisonment for a period

of eight years with that sentence being suspended and Respondent placed on supervised probation for five years.

## VI

On or about October 28, 2015, a Consent Order was offered to Respondent for being in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(5). The Consent Order was mailed to Respondent by certified mail, return receipt requested, and delivery of the certified mail was accepted on October 30, 2015. Respondent failed to sign and return the Consent Order within 20 days.

## VII

Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(5) 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 and 26.1-26-42(5) 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 Davin Patzlaff, NPN 16718031, 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 20<sup>th</sup> day of January, 2016.



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

**TO:** Davin Patzlaff  
P.O. Box 5250  
Sioux Falls, SD 57117

**SENDER:** Jeff Ubben

**REFERENCE:** Davin Patzlaff

9314 8699 0430 0019 0788 58

PS Form 3800, January 2005

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Darin Patzloff

Date: December 21, 2015

Nancy Brady:

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Address of Recipient :

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