

STATE OF NORTH DAKOTA

BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
Daniel P. Cobb,)	AND DEFAULT ORDER
NPN 8601629,)	
)	CASE NO. AG-13-446
Respondent.)	

TO: Daniel P. Cobb, 1875 Eveningside Way NW, Kennesaw, GA 30075

On December 23, 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 Daniel P. Cobb, NPN 8601629 ("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 23, 2013. The mailing was returned to the Department marked "Return to Sender – Unable to Forward" on February 11, 2014. 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 February 13, 2014, 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 23, 2013. The mailing was returned to the Department marked "Return to Sender – Unable to Forward" on February 11, 2014. 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 held a North Dakota nonresident individual insurance producer license since December 19, 2011. On his initial application, Respondent answered "no" to background question two which states, "Have you ever been named or involved as a party in an administrative proceeding regarding any professional or occupational license or registration?" According to information obtained by the Department, on or about June 22, 2011, Respondent was fined \$150 in Georgia for failure to timely file. Respondent failed to disclose the Georgia administrative action on his initial application in North Dakota. Respondent's failure to disclose the Georgia administrative action on his initial license application is in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(1).

V

According to information obtained by the Department, on or about February 12, 2013, South Dakota revoked Respondent's nonresident producer license for failing to report

the Georgia administrative action and for failing to respond. Respondent failed to disclose the South Dakota action to the Department within 30 days. Respondent's action of not reporting the South Dakota administrative action within 30 days to the Department is a violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-45.1.

VI

According to information obtained by the Department, on or about September 26, 2013, New York revoked Respondent's nonresident producer license for failing to report the Georgia administrative action, failing to make a required disclosure on a license application, and for failing to respond. Respondent failed to disclose the New York administrative action to the Department within 30 days. Respondent's action of not reporting the New York administrative action within 30 days to the Department is a violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-45.1.

VII

On or about October 29, 2013, a letter was sent to the address on file for Respondent requesting detailed information relating to the administrative actions of Georgia, South Dakota, and New York and why they were not reported to the Department. Respondent failed to respond 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).

VIII

Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42(1) and (14), and 26.1-26-45.1 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, 26.1-26-42(1) and (14), 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 Daniel P. Cobb, NPN 8601629, 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 14th day of February, 2014.



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

Mr. Daniel P. Cobb
TO: 1875 Eveningside Way NW
Kennesaw, GA 30075

SENDER: Nancy Brady

REFERENCE: Daniel P. Cobb

7196 9008 9040 2216 1421

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	0.86
	Certified Fee	3.10
	Return Receipt Fee	1.25
	Restricted Delivery	0.00
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Product & Tracking Information

Postal Product:

Features:
Certified Mail™

Available Actions

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
February 11, 2014 , 10:03 am	Delivered	BISMARCK, ND 58505
February 11, 2014 , 7:59 am	Sorting Complete	BISMARCK, ND 58504
February 11, 2014 , 2:41 am	Arrival at Unit	BISMARCK, ND 58504
February 7, 2014	Depart USPS Sort Facility	FARGO, ND 58102
February 7, 2014 , 4:55 pm	Processed through USPS Sort Facility	FARGO, ND 58102
February 5, 2014	Depart USPS Sort Facility	TAMPA, FL 33630
February 5, 2014 , 9:58 pm	Processed through USPS Sort Facility	TAMPA, FL 33630

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