

**STATE OF NORTH DAKOTA**  
**BEFORE THE INSURANCE COMMISSIONER**

In the Matter of	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW,</b>
<b>Penny Kay Blomberg,</b>	)	<b>AND DEFAULT ORDER</b>
<b>NPN 362066,</b>	)	
	)	<b>CASE NO. AG-14-458</b>
<b>Respondent.</b>	)	

**TO: Penny Kay Blomberg, 1525 10<sup>th</sup> Avenue East, West Fargo, ND 58078**

On March 4, 2014, 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 Penny Kay Blomberg, NPN 362066 (“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 March 4, 2014. Respondent accepted delivery of the mailing on March 7, 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 April 17, 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 March 4, 2014. Respondent accepted delivery of the mailing on March 7, 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 resident individual insurance producer license since January 4, 2012. On or about November 6, 2011, Respondent applied for a resident insurance producer license and failed to disclose information relating to three outstanding judgments totaling approximately \$7,809.41. On or about January 4, 2012, Respondent entered into a conditional license agreement with the Department agreeing to 24 months of probation and agreeing that all judgments are to be paid in full by the end of the probationary period before an unrestricted license will be issued.

Respondent's probationary period ran from January 4, 2012, to January 4, 2014. At the end of the probationary period, a check of court records revealed the three judgments in the amount of \$7,809.41 remain unsatisfied.

V

On or about January 13, 2014, a letter was sent to the address on file for Respondent requesting information regarding the outstanding judgments. No response was received. On or about January 27, 2014, a letter was sent to the address on file for Respondent by certified mail, return receipt requested, requesting information regarding the outstanding judgments. Respondent accepted delivery of the certified mail letter on January 29, 2014. To date, no response has been received by the Department. 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

Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(12) and (14) 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 her 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(12) and (14) are grounds for revocation of her 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 Penny Kay Blomberg, NPN 362066, 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 21 day of April, 2014.



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

**TO:** Penny Kay Blomberg  
1525 10th Avenue East  
West Fargo, ND 58078

**SENDER:** Nancy Brady

**REFERENCE:** Penny Kay Blomberg

9314 8699 0430 0000 9125 67

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	0.69
	Certified Fee	3.30
	Return Receipt Fee	1.35
	Restricted Delivery	0.00
	Total Postage & Fees	5.34

US Postal Service

**Receipt for  
Certified Mail**

No Insurance Coverage Provided  
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3/4/14



Date: March 10, 2014

Nancy Brady:

The following is in response to your March 10, 2014 request for delivery information on your Certified Mail™/RRE item number 9314869904300000912567. The delivery record shows that this item was delivered on March 7, 2014 at 3:05 pm in WEST FARGO, ND 58078. The scanned image of the recipient information is provided below.

Signature of Recipient :

Delivery Section	
Signature	Gerald Munk
Name	Gerald Munk

Address of Recipient :

Address	1525 10 Ave E
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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