

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
Nyaten Gaye,)	AND DEFAULT ORDER
NPN 16555755,)	
)	CASE NO. AG-14-476
Respondent.)	

TO: Nyaten Gaye, 218 Highland Avenue, Johnston, RI 02919

On June 3, 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 Nyaten Gaye, NPN 16555755 (“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 June 3, 2014. The mailing was returned to the Department marked “Unclaimed” on July 3, 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 July 11, 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 June 3, 2014. The mailing was returned to the Department marked "Unclaimed" on July 3, 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

On or about February 20, 2014, the Department was notified by MetLife Insurance Company that Respondent's appointment with the company has been terminated effective February 20, 2014. The reason for the termination for cause was Respondent did not disclose required information on the National Association of Insurance Commissioners Uniform Application. Respondent's actions that led to the termination for cause are a violation of N.D.C.C. § 26.1-26-42(1).

V

On or about March 4, 2014, a letter was sent to Respondent at the mailing address on file with the Department requesting information relating to the termination for cause. 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).

VI

On or about March 25, 2014, a letter was sent to Respondent at the mailing address on file with the Department by certified mail, return receipt requested, requesting information relating to the termination for cause. Respondent accepted delivery of the certified mail on March 28, 2014. 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).

VII

Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(1) 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(1) 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 Nyaten Gaye, NPN 16555755, 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 11th day of July, 2014.



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

Ms. Nyaten Gaye
TO: 218 Highland Avenue
Johnston, RI 02919

SENDER: Nancy Brady

REFERENCE: Nyaten Gaye

9314 8699 0430 0003 4529 30

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

USPS®
Receipt for
Certified Mail™

No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR DATE

6/3/14

English

Customer Service

USPS Mobile

Register / Sign In



Search USPS.com or Track Packages

Quick Tools

Ship a Package

Send Mail

Manage Your Mail

Shop

Business Solutions

USPS Tracking™



Customer Service ›
Have questions? We're here to help.

Tracking Number: 9314869904300003452930

Product & Tracking Information

Postal Product:
First-Class Mail®

Features:
Certified Mail™

Available Actions

Return Receipt Electronic

Text Updates

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
July 3, 2014 , 10:18 am	Delivered	BISMARCK, ND 58504

Your item was delivered at 10:18 am on July 3, 2014 in BISMARCK, ND 58504

July 2, 2014 , 2:42 pm	Processed through USPS Sort Facility	FARGO, ND 58102
June 28, 2014 , 8:06 pm	Processed through USPS Sort Facility	PROVIDENCE, RI 02904
June 7, 2014 , 3:58 pm	Notice Left (No Authorized Recipient Available)	JOHNSTON, RI 02919
June 7, 2014 , 8:05 am	Arrival at Unit	JOHNSTON, RI 02919
June 7, 2014 , 1:45 am	Processed through USPS Sort Facility	PROVIDENCE, RI 02904
June 6, 2014 , 9:29 pm	Depart USPS Sort Facility	PROVIDENCE, RI 02904
June 6, 2014 , 11:28 am	Processed through USPS Sort Facility	PROVIDENCE, RI 02904
June 5, 2014 , 4:25 am	Depart USPS Sort Facility	FARGO, ND 58102
June 4, 2014 , 11:03 pm	Processed through USPS Sort Facility	FARGO, ND 58102
June 4, 2014 , 6:01 am	Depart USPS Sort Facility	BISMARCK, ND 58504
June 3, 2014 , 8:29 pm	Processed through USPS Sort Facility	BISMARCK, ND 58504
June 3, 2014	Electronic Shipping Info Received	

Track Another Package

What's your tracking (or receipt) number?

Track It