

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
Nate Kessler,)	AND DEFAULT ORDER
NPN 16595648,)	
)	CASE NO. AG-14-453
Respondent.)	

TO: Nate Kessler, 6070 Westfalen Court, Unit 14, Johnston, IA 50131-3116

On March 27, 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 Nate Kessler, NPN 16595648 (“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 27, 2014. The mailing was returned to the Department marked “Unclaimed” on April 28, 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 May 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 March 27, 2014. The mailing was returned to the Department marked "Unclaimed" on April 28, 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

The Commissioner has come into information that Respondent was convicted of Burglary, a Class C felony, by entering a plea of guilty on September 4, 2013. On November 12, 2013, Respondent was sentenced to a period of two years of supervised probation to run from November 12, 2013, through November 12, 2015. Respondent reported the conviction to the Department within 30 days as is required by N.D.C.C. § 26.1-26-45.1(2). Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(5).

V

On February 12, 2014, a Consent Order was mailed to Respondent at the address on file with the Department by the United States Postal Service via certified mail, return receipt requested. The Consent Order offered Respondent the opportunity of a conditional license for a period of two years to run concurrent with his probation period of November 12, 2013, through November 12, 2015. The mailing was returned to the Department on April 28, 2014 marked "Unclaimed". Respondent failed to respond to the Consent Order within 20 days.

VI

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 agent 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 Nate Kessler, NPN 16595648, 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 13th day of May, 2014.



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

Mr. Nate Kessler
TO: 6070 Westfalen Court, Unit 14
Johnston, IA 50131-3116

SENDER: Nancy Brady

REFERENCE: Nate Kessler

9314 8699 0430 0001 6187 89

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
Do Not Use for International Mail

POSTMARK OR DATE

3/27/14

English

Customer Service

USPS Mobile

Register / Sign In



Search USPS.com or Track Packages [Subr](#)

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: 9314869904300001618789

Product & Tracking Information

Postal Product:
First-Class Mail™

Features:
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
April 28, 2014 , 10:31 am	Delivered	BISMARCK, ND 58505

Your item was delivered at 10:31 am on April 28, 2014 in BISMARCK, ND 58505

April 23, 2014 , 3:28 pm	Unclaimed	JOHNSTON, IA 50131
March 29, 2014 , 12:30 pm	Notice Left (No Authorized Recipient Available)	JOHNSTON, IA 50131
March 29, 2014 , 2:26 am	Depart USPS Sort Facility	DES MOINES, IA 50318
March 29, 2014 , 1:34 am	Processed through USPS Sort Facility	DES MOINES, IA 50318
March 28, 2014 , 9:00 pm	Processed through USPS Sort Facility	DES MOINES, IA 50318
March 28, 2014 , 5:59 am	Depart USPS Sort Facility	BISMARCK, ND 58504
March 27, 2014 , 6:21 pm	Processed through USPS Sort Facility	BISMARCK, ND 58504
March 26, 2014	Electronic Shipping Info Received	

Available Actions

Return Receipt Electronic

USPS Text Tracking™

Email Updates

Track Another Package

What's your tracking (or receipt) number?

Track It

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