

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
Amanda Lafountain,)	AND DEFAULT ORDER
NPN 17097735,)	
)	CASE NO. AG-14-474
Respondent.)	

TO: Amanda Lafountain, 1709 Fourth Street SE, Minot, ND 58701

On August 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 Amanda Lafountain, NPN 17097735 (“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 August 27, 2014. Respondent accepted delivery of the certified mail on August 29, 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 November 19, 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 August 27, 2014. Respondent accepted delivery of the certified mail on August 29, 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 September 3, 2013, Respondent applied for a resident individual insurance producer license. On that application Respondent answered "no" to background question one regarding whether she had ever been convicted of a crime or had a judgment withheld or deferred. A check of court records revealed that Respondent was convicted of Disorderly Conduct (Loud Party) in 2008. On October 18, 2013, a letter of admonishment was issued against Respondent for her failure to disclose the 2008 conviction on the initial application.

V

On that same application, Respondent answered "no" to background question three regarding whether any judgment had been entered against her. A check of North Dakota court records revealed there was one outstanding judgment of approximately \$5,313.70. A conditional license was offered to Respondent with a 15-month probationary period to

monitor repayment of the judgment. On or about October 21, 2013, Respondent signed the conditional license agreement with the probation period effective October 24, 2013, to January 24, 2015.

VI

Respondent was notified of the duty to report administrative actions on any subsequent applications submitted to the Department. The October 18, 2013, letter of admonishment states, in part:

It has been determined, however, that no further action will be taken in this matter beyond this admonishment that you take appropriate care to disclose and report all criminal convictions as well as administrative actions that may be taken against you.

VII

The October 24, 2013, conditional license agreement contains the following specific paragraph:

Please be advised that the issuance of the conditional license will result in a report to the National Insurance Producer Registry (NIPR) Producer Database (PDB) as an administrative action.

VIII

On or about October 25, 2013, an email was sent notifying Respondent that her resident insurance producer license application was approved following the issuance of a letter of admonishment for failure to disclose the 2008 conviction and the execution of a conditional license agreement with a 15-month probation to monitor repayment of a financial judgment. The email contained the following specific paragraph:

Because this is a regulatory action reported to the National Producer Database, you will be required to answer yes to background question #2 and disclose this regulatory action when asked on any subsequent application you submit to the North Dakota Insurance Department or other state insurance department.

IX

On or about May 28, 2014, Respondent applied to add a line of authority to her existing license and answered "yes" to background question one regarding criminal convictions; however, Respondent answered "no" to background question two regarding whether she had ever been named or involved as a party in an administrative proceeding regarding any professional or occupational license or registration, despite three written warnings or advisements from the Department to do so.

X

Respondent's failure to disclose the conditional license agreement with the 15-month probation from October 24, 2013, to January 24, 2015, on the application to add a line of authority despite three written warnings or advisements from the Department is in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(1) and (12) and are grounds for revocation of Respondent's insurance producer license.

XI

On or about July 25, 2014, 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(1) and (12). The Consent Order was mailed to Respondent by certified mail, return receipt requested, and Respondent accepted delivery of the certified mail on July 28, 2014. Respondent failed to sign and return the Consent Order and pay the \$200 fine within 20 days.

XII

Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(1) and (12) 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 (12) 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 Amanda Lafountain, NPN 17097735, 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 19th day of November, 2014.



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

Ms. Amanda Lafountain
TO: 1709 Fourth Street SE
Minot, ND 58701

SENDER: Nancy Brady

REFERENCE: Amanda Lafountain

9314 8699 0430 0005 7787 55

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

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8/27/14

Date: September 23, 2014

Nancy Brady:

The following is in response to your September 23, 2014 request for delivery information on your Certified Mail™/RRE item number 9314869904300005778755. The delivery record shows that this item was delivered on August 29, 2014 at 12:57 pm in MINOT, ND 58701. The scanned image of the recipient information is provided below.

Signature of Recipient :

Delivery Record	
Signature	
Name	AMANDA LAFONTAINE

Address of Recipient :

Address	1709 4 TH ST SE
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Sincerely,
United States Postal Service