

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
Kathleen Llewellyn,)	AND DEFAULT ORDER
NPN 16474859,)	
)	CASE NO. AG-14-469
Respondent.)	

TO: Kathleen Llewellyn, 108 Sixth Avenue North, Fargo, ND 58102-4528

On April 22, 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 Kathleen Llewellyn, NPN 16474859 (“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 April 22, 2014. The mailing was returned to the Department marked “Return to Sender – Unable to Forward” on May 19, 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 June 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 April 22, 2014. The mailing was returned to the Department marked "Return to Sender – Unable to Forward" on May 19, 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 November 30, 2011. On or about October 27, 2011, Respondent applied for a resident insurance producer license and failed to disclose information relating to an outstanding judgment of approximately \$4,566.80. On or about November 30, 2011, 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 November 30, 2011, to November 30, 2013.

At the end of the probationary period, a check of court records revealed the judgments in the amount of \$4,566.80 remains unsatisfied.

V

On or about March 6, 2014, a letter was sent to the address on file for Respondent requesting information regarding the outstanding judgment. No response was received. On or about March 24, 2014, a letter was sent to the address on file for Respondent by certified mail, return receipt requested, requesting information regarding the outstanding judgment. Respondent accepted delivery of the certified mail letter on March 26, 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 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(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 Kathleen Llewellyn, NPN 16474859, 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 June, 2014.



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

Kathleen Llewellyn
TO: 108 Sixth Avenue North
Fargo, ND 58102-4528

SENDER: Nancy Brady

REFERENCE: Kathleen Llewellyn

9369 3699 0430 0002 3697 15

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	0.90
	Certified Fee	3.30
	Return Receipt Fee	1.35
	Restricted Delivery	5.05
	Total Postage & Fees	10.60

USPS®
Receipt for
Certified Mail™

No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR DATE

4/22/14



9369 3699 0430 0002 3697 15
RETURN RECEIPT (ELECTRONIC)
RESTRICTED DELIVERY



(90)

ADAM HAMM

COMMISSIONER OF INSURANCE
STATE OF NORTH DAKOTA
600 East Boulevard Avenue - Dept 401
Bismarck, North Dakota 58505-0320

RETURN SERVICES REQUESTED

** CERTIFIED RESTRICTED MAIL -
DELIVER TO ADDRESSEE ONLY **

MS KATHLEEN LLEWELLYN
108 6TH AVE N
FARGO ND 58102-4528

LAJ
4-28-14

2nd
4/30
5/10

NIXIE 581022025-IN 05/19/14

RETURN TO SENDER
UNABLE TO FORWARD
UNABLE TO FORWARD
RETURN TO SENDER

