

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
Stephen A. Marrone,)	AND DEFAULT ORDER
NPN 330034,)	
)	CASE NO. AG-13-413
Respondent.)	

TO: Stephen A. Marrone, 3584 Hoffman Road East, Vadnais Heights, MN 55110

On August 19, 2013, 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 Stephen A. Marrone, NPN 330034 (“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 19, 2013. The mailing was returned to the Department marked “Refused” and “Undeliverable as Addressed” on September 23, 2013. The Complaint was then mailed to Respondent at the residence address on file with the Department by certified mail, return receipt requested on September 25, 2013. Respondent accepted delivery of the certified mail on September 30, 2013. 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 1, 2013, 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 19, 2013. The mailing was returned to the Department marked "Refused" and "Undeliverable as Addressed" on September 23, 2013. The Complaint was then mailed to Respondent at the residence address on file with the Department by certified mail, return receipt requested on September 25, 2013. Respondent accepted delivery of the certified mail on September 30, 2013.

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 June 24, 2013, the Department was notified by Lincoln National Life Insurance Company that the Respondent's appointment had been terminated for cause.

The reason for the termination for cause was the result of Respondent's guilty plea to three felony counts of Theft by Swindle. On May 29, 2013, Respondent pled guilty to three counts of Theft by Swindle in Ramsey County Court, Minnesota.

V

On or about June 26, 2013, a letter was sent to Respondent requesting an explanation of the felony conviction that led to the termination of cause by Lincoln National Life Insurance Company. Respondent failed to respond to the Department within 20 days. 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. §§ 26.1-02.1-02.1, 26.1-26-15, and 26.1-26-42(5), (6) and (14) and are grounds for revocation of Respondent's insurance agent license.

VII

On August 19, 2013, 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. The mailing was returned to the Department marked "Refused" and "Undeliverable as Addressed" on September 23, 2013. The Complaint was then mailed to Respondent at the residence address on file with the Department by certified mail, return receipt requested on September 25, 2013. Respondent accepted delivery of the certified mail on September 30, 2013. Respondent failed to provide a written response to the Complaint.

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. §§ 26.1-02.1-02.1, 26.1-26-15, and 26.1-26-42(5), (6), and (14) 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 Stephen A. Marrone, NPN 330045, 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 4 day of November, 2013.



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

Mr. Stephen Marrone
TO: 3584 Hoffman Road East
Vadnais Heights, MN 55110

SENDER: Nancy Brady

REFERENCE: Stephen Marrone

7196 9008 9040 2017 8766

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	0.86
	Certified Fee	3.10
	Return Receipt Fee	1.25
	Restricted Delivery	0.00
	Total Postage & Fees	5.21

US Postal Service

**Receipt for
Certified Mail**

No Insurance Coverage Provided
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9/25/13

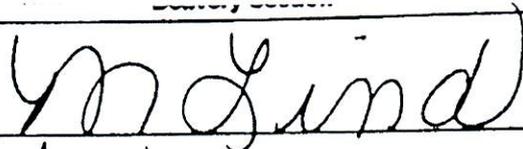


Date: October 8, 2013

Nancy Brady:

The following is in response to your October 8, 2013 request for delivery information on your Certified Mail™ item number 71969008904020178766. The delivery record shows that this item was delivered on September 30, 2013 at 11:46 am in SAINT PAUL, MN 55110. The scanned image of the recipient information is provided below.

Signature of Recipient :

Signature	
Name	M LIND

Address of Recipient :

Address	3584 Hoffman
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Sincerely,
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