

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DEFAULT ORDER
Justin McKinnon,)	
NPN 16606473,)	
Respondent.)	CASE NO. AG-13-404

On June 21, 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 Justin McKinnon, NPN 16606473 ("Respondent"), committed various violations of North Dakota insurance statutes. The Complaint was mailed to Respondent at the address on file with the Department via certified U.S. mail, return receipt requested, on June 21, 2013. Respondent accepted delivery of the certified mail on June 25, 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 July 26, 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

On June 21, 2013, the Complaint of Kelvin W. Zimmer was mailed to Respondent at his last known address by certified mail, return receipt requested. Respondent accepted delivery of the Complaint on June 25, 2013.

III

Respondent has not answered the Complaint within 20 days as required under N.D.C.C. § 28-32-21(1)(e).

IV

According to information obtained by the Department, on or about March 1, 2013, Respondent's appointment with Gerber Life Insurance Company was terminated for cause due to his felony conviction of Home Invasion. On January 15, 2013, Respondent pled guilty to the felony conviction in the State of Michigan, Muskegon County Circuit Court, and was sentenced to five months in jail. On February 11, 2013, Respondent was released to supervised probation for 20 months. Respondent has failed to disclose the felony conviction to the Department within 30 days. Respondent's felony conviction and failing to disclose the conviction to the Department within 30 days are violations of N.D.C.C. §§ 26.1-02.1-02.1, 26.1-26-15, 26.1-26-42, and 26.1-26-45.1.

V

On or about March 27, 2013, a letter was sent to Respondent requesting an explanation of the felony conviction that lead to the termination of cause by Gerber 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

According to information received by the Department, on or about May 7, 2013, Respondent's nonresident producer license was revoked in the State of Kansas. Respondent has failed to disclose the administrative action to the Department within 30 days. Respondent's actions that lead to the revocation of his insurance producer license in Kansas and not reporting the administrative action within 30 days to the Department are violations of N.D.C.C. §§ 26.1-02.1-02.1, 26.1-26-15, 26.1-26-42, and 26.1-26-45.1.

VII

Respondent's actions constitute violations of N.D.C.C. §§ 26.1-02.1-02.1, 26.1-26-15, 26.1-26-42(5), (6), and (14), and 26.1-26-45.1 and are grounds for revocation of Respondent's insurance agent license.

VIII

On June 21, 2013, the Department mailed to Respondent, by certified mail, a Complaint for Revocation of License. Respondent accepted delivery of the Complaint on June 25, 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.

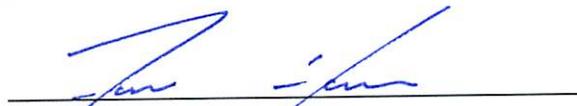
4. Respondent's violations of N.D.C.C. §§ 26.1-02.1-02.1, 26.1-26-15, 26.1-26-42(5), (6), and (14), and 26.1-26-45.1 are grounds for revocation of his insurance producer license.

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 Justin McKinnon, NPN 16606473, 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 26th day of July, 2013.



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

Mr. Justin McKinnon
2344 North Maple Island Road
Hesperia, MI 49421

ENDER: Nancy Brady

REFERENCE: Justin McKinnon

7196 9008 9040 1809 1435

Form 3800, January 2005

TURN CEIPT RVICE	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
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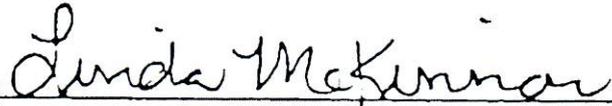
6/21/13

Date: June 26, 2013

Nancy Brady:

The following is in response to your June 26, 2013 request for delivery information on your Certified Mail™ item number 71969008904018091435. The delivery record shows that this item was delivered on June 25, 2013 at 9:42 am in HESPERIA, MI 49421. The scanned image of the recipient information is provided below.

Signature of Recipient :

✓ 18	
ed 18	Linda McKinnon

Address of Recipient :

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Sincerely,
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