

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
Brady J. Vollmers,)	AND DEFAULT ORDER
NPN 657290,)	
)	CASE NO. AG-12-389
Respondent.)	

On January 8, 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 Brady J. Vollmers, NPN 657290 (“Respondent”), committed various violations of North Dakota insurance statutes. The Complaint was served on Respondent by the Burleigh County Sheriff’s Department on January 9, 2013. Proof of sheriff’s 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 February 20, 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 for Revocation of License was served by the Burleigh County Sheriff's Department on January 9, 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 16, 2006, the Respondent entered into a Consent Order, to be effective June 28, 2006, with the North Dakota Securities Department ("Securities Department") regarding the selling of unsuitable annuities. The Respondent did not report this administrative action to the Commissioner.

V

In 2008, Respondent submitted an insurance producer renewal application to the Department. In response to background question number two in the 2008 application regarding whether administrative action has been taken against the applicant, the Respondent answered "no" despite having entered into a Consent Order with the Securities Department on June 16, 2006.

VI

In 2010, Respondent submitted an insurance producer renewal application to the Department. In response to background question number two in the application regarding whether administrative action has ever been taken against the applicant, the Respondent answered "no" despite entering into a Consent Order with the Securities Department on June 16, 2006.

VII

On or about January 13, 2012, the Securities Department issued an Order against the Respondent for failing to comply with procedures established, in part, to ensure mutual fund exchanges are suitable for customers. The Respondent did not report this administrative action to the Commissioner.

VIII

On or about June 28, 2012, Respondent submitted an insurance producer renewal application to the Department. In response to background question number two in the application regarding whether administrative action has ever been taken against the applicant, the Respondent answered "no" despite having entered into a Consent Order with the Securities Department on June 16, 2006, and the issuance of the January 13, 2012, Order against him by the Securities Department.

IX

On or about July 9, 2012, a letter was sent to the mailing address on file for Respondent requesting an explanation regarding the Respondent's failure to report and disclose on his application the June 16, 2006, and the January 13, 2012, actions taken against him by the Securities Department. Respondent failed to reply to the Department's July 9, 2012, letter.

X

On or about August 27, 2012, a second letter was sent to the mailing address on file for Respondent requesting an explanation regarding the Respondent's failure to report and disclose on his application the June 16, 2006, and the January 13, 2012, actions taken against him by the Securities Department. The Department sent the letter

certified mail, return receipt requested. On or about September 9, 2012, the Department's August 27, 2012, letter was returned to the Department as "refused, unable to forward." The Respondent failed to respond to the Department's August 27, 2012, letter. Respondent failed to notify the Department of his change of address as required by N.D.C.C. § 26.1-26-33.

XI

On or about September 11, 2012, an email message was sent to the email address on file for the Respondent requesting an explanation regarding the Respondent's failure to report and failure to disclose on his application the June 16, 2006, and the January 13, 2012, actions taken against him by the Securities Department. The Respondent failed to reply to the Department's September 11, 2012, email.

XII

On January 9, 2013, the Burleigh County Sheriff's Department served Respondent with a copy of the Complaint for Revocation of License. Respondent failed to provide a written response to the Complaint.

XIII

Respondent violated N.D.C.C. § 26.1-26-45.1 by failing to timely report to the Department the June 28, 2006, and January 13, 2012, actions taken by the Securities Department.

XIV

The conduct addressed in the Securities Department's June 16, 2006, and January 13, 2012, actions taken against the Respondent are in violation of N.D.C.C. §§

26.1-26-15 and 26.1-26-42 and demonstrate that he does not have the requisite competence, trustworthiness, responsibility, and personal and business reputation and are grounds for revocation of Respondent's insurance producer license.

XV

Respondent failed to provide a truthful answer to background question two on each of his 2008, 2010, and 2012 insurance producer renewal applications and each violation of N.D.C.C. § 26.1-26-42(1) is grounds for revocation of Respondent's insurance producer license.

XVI

The Respondent failed to respond to three written requests for information by the Department; each failure to respond to the Department within 20 days is a violation of N.D.C.C. § 26.1-26-42(14).

XVII

The Respondent's failure to report administrative actions taken against him by another state agency, failures to provide truthful answers to background question two on the insurance producer application on three separate occasions, failures to respond to the Department's written requests for information and failure to notify the Department of any change of address within 30 days are in violation of N.D.C.C. §§ 26.1-26-15, 26.1-26-42, 26.1-26-33, and 26.1-26-45.1 and demonstrate that the Respondent does not have the requisite competence, trustworthiness, responsibility, and personal and business reputation and are grounds for revocation of Respondent's insurance producer license.

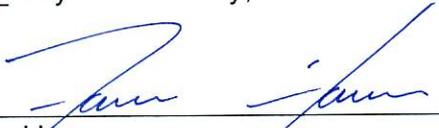
CONCLUSIONS OF LAW

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, 26.1-26-33, 26.1-26-42, 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 Brady J. Vollmers, NPN 657290, 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 20th day of February, 2013.



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

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

IN THE MATTER OF:

SHERIFFS RETURN

Brady J. Vollmers,

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Date received: January 9, 2013
Action: Letter; Complaint for Revocation of License

Type of Service: Dwelling House
On whom served: Brady J. Vollmers, by leaving with Amy Richter--roommate, a person of
suitable age and discretion residing therein
Date & Time served: January 9, 2013 at 2:16 pm
Location: 3310 N. 19th Street #23, Bismarck, ND

Today's date: January 10, 2013

Service Fee \$ 20.00
Mileage Fee \$ 15.00
Copy Fee \$

Total Fees \$ 35.00

Pat D. Heinert, Sheriff of Burleigh County



By Simon A. Scheett
Burleigh County Sheriff's Department

