STATE OF NORTH DAKOTA

BEFORE THE INSURANCE COMMISSIONER

In the Matter of	)	
	)	**ORDER REVOKING LICENSE**
Joseph Milbauer,	)	
NPN 3211278,	)	**CASE NO. AG-15-581**
	)	
Respondent.	)	

TO: Joseph Milbauer, P.O. Box 165, Berkeley Heights, NJ 07922-0165.

Insurance Commissioner Adam Hamm (hereinafter "Commissioner") has determined as follows:

1. The Insurance Commissioner has jurisdiction over these proceedings pursuant to N.D.C.C. §§ 26.1-01-03 and 26.1-26-42 and N.D.C.C. chapter 28-32.

2. Joseph Milbauer, NPN 3211278 ("Respondent"), has been at all times pertinent to this action a licensed North Dakota nonresident insurance producer.

3. Staff of the North Dakota Insurance Department ("Department") have investigated the activity of the Respondent.

4. N.D.C.C. chapter 26.1-26 governs the qualifications and procedures for the licensing of insurance producers in the State of North Dakota.

5. N.D.C.C. § 26.1-26-15 requires that an applicant for any license must be deemed by the Commissioner to be competent, trustworthy, financially responsible, and of good personal and business reputation.

6. N.D.C.C. § 26.1-26-42 states, in part:

> The commissioner may suspend, revoke, place on probation, or refuse to continue or refuse to issue any license issued under this chapter if, after notice to the

licensee and hearing, the commissioner finds as to the licensee any of the following conditions:

1. A materially untrue statement in the license application.

7. N.D.C.C. § 26.1-26-45.1 states, in part:

26.1-26-45.1. Reporting of actions.

1. An insurance producer shall report to the commissioner any administrative action taken against the insurance producer's license in another jurisdiction or by another governmental agency in this state within thirty days of the final disposition of the matter. This report must include a copy of the order, consent to order, or other relevant legal documents.

8. Respondent has been licensed as a nonresident insurance producer in North Dakota since February 15, 2013.

9. On or about October 23, 2015, Respondent renewed his North Dakota nonresident insurance producer license. On the renewal application, Respondent answered "yes" to background question two regarding ever being involved as a party in an administrative proceeding. Respondent reported a Wisconsin administrative action from April 18, 2014. The administrative action should have been reported to the Department by May 18, 2014, and it was not. Respondent's failure to report an administrative action within 30 days to the Department is a violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-45.1(1).

10. During a review of Respondent's North Dakota record, it was revealed that Respondent had additional administrative actions that were not reported to the Department within 30 days and were not disclosed on the October 23, 2015, renewal application. Wisconsin took administrative action against Respondent on May 8, October 6, and December 9, 2013. Respondent's failure to report an administrative

action within 30 days to the Department is a violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-45.1(1). Respondent's failure to disclose administrative actions on an application is in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(1).

11. A Complaint for Revocation of License specifying the violations of law outlined above was sent to Respondent via certified mail, return receipt requested, on or about January 8, 2016.

12. Respondent signed for the certified mail containing the Complaint on January 20, 2016.

13. Respondent contacted the Department's General Counsel on February 3, 2016, and agreed to revocation of his license to resolve this matter.

14. Respondent was properly served with the Complaint for Revocation of License in this matter.

15. Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42(1), and 26.1-26-45.1(1).

NOW, THEREFORE, IT IS HEREBY ORDERED that the Commissioner having concluded that Respondent violated the laws of the State of North Dakota and Respondent having agreed to revocation of his license, the Respondent's North Dakota nonresident insurance producer license is hereby **REVOKED**.

This order is effective this 22nd day of February, 2016.

Adam Hamm
Commissioner
North Dakota Insurance Department
600 East Boulevard Avenue, Dept. 401
Bismarck, ND 58505
(701) 328-2440