

**STATE OF NORTH DAKOTA**  
**BEFORE THE INSURANCE COMMISSIONER**

<b>In the Matter of</b>	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW,</b>
<b>Joseph Neuwerth,</b>	)	<b>AND DEFAULT ORDER</b>
<b>NPN 14838642,</b>	)	
	)	<b>CASE NO. AG-16-612</b>
<b>Respondent.</b>	)	

**TO: Joseph Neuwerth, 12913 North 122<sup>nd</sup> Avenue, El Mirage, AZ 85335-4351**

On February 23, 2016, 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 Joseph Neuwerth, NPN 14838642 (“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 February 24, 2016. The certified mail was returned to the Department on March 7, 2016, marked “Moved – Left No Address.” 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 March 16, 2016, 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 February 24, 2016. The certified mail was returned to the Department on March 7, 2016, marked "Moved – Left No Address." 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 been licensed as a nonresident insurance producer in North Dakota since September 14, 2013.

V

On or about November 9, 2015, Respondent submitted an application to renew his nonresident insurance producer license. On that application he answered "yes" to background question 1A regarding whether Respondent had been convicted of any misdemeanor which had not been previously reported to the Department. No documents were provided relating to any criminal convictions.

VI

On or about November 9, 2015, an email was sent to Respondent and the authorized submitter of Respondent's application information requesting the documents to support the "yes" answer to background question 1A . The authorized submitter responded by saying background question 1A was answered "yes" by mistake and should have been answered "no". The authorized submitter stated that Respondent had no application issues to report after November 2012.

## VII

A review of Respondent's licensing file revealed that Respondent answered "no" to background question 1A on his initial license application. When questioned about the response to background question 1A, the authorized submitter provided a letter of explanation for several criminal convictions but no court documents. It was discovered that some of the convictions were not disclosed on Respondent's initial application in 2013. Respondent's failure to completely disclose all criminal convictions on a license application is in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(1).

## VIII

On or about December 1, 2015, an email was sent to the authorized submitter requesting more documentation to support all of the criminal convictions. On or about December 14 and 18, 2015, follow up emails were sent to the authorized submitter for Respondent asking for a status on the requested documents. The authorized submitter responded that Respondent was working on getting the court documents but needed more time.

## IX

On or about December 30, 2015, the Department notified the authorized submitter for Respondent that the Department will renew Respondent's license but was still waiting for receipt of the requested documents to support the criminal convictions not disclosed on the initial application.

## X

On or about December 31, 2015, the authorized submitter for Respondent stated that as of December 21, 2015, Respondent was no longer employed at the company.

## XI

On or about January 11, 2016, an email was sent to Respondent asking for an update on the status of the requested documents. On or about January 21, 2016, a second email request was sent to Respondent asking for an update on the status of the requested documents. Respondent failed to respond to the Department's request for information. 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. §§ 26.1-26-15 and 26.1-26-42(14).

## XII

Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(1) and (14) and are grounds for revocation of Respondent's insurance agent 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.

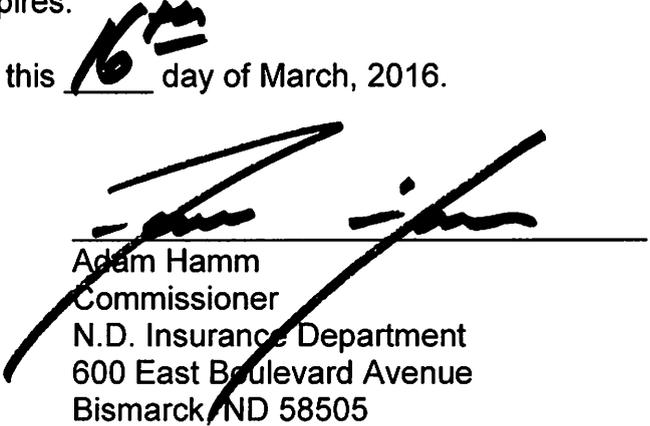
4. Respondent's violations of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(1) and (14) are grounds for revocation of her insurance producer license.

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 Joseph Neuwerth, NPN 14838642, 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 16<sup>th</sup> day of March, 2016.



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

**TO:** Mr. Joseph Neuwerth  
12913 North 122nd Avenue  
El Mirage, AZ 85335-4351

**SENDER:** Jeff Ubben

**REFERENCE:** Joseph Neuwerth

9314 8699 0430 0020 7273 56

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	1.42
	Certified Fee	3.45
	Return Receipt Fee	1.40
	Restricted Delivery	0.00
	Total Postage & Fees	6.27

**USPS®**  
**Receipt for**  
**Certified Mail®**  
No Insurance Coverage Provided  
Do Not Use for International Mail

POSTMARK OR DATE

2/24/16



# USPS Tracking®



Customer Service ›  
Have questions? We're here to help.



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Sign up for My USPS.

Tracking Number: 9314869904300020727356

Updated Delivery Day: Monday, March 7, 2016

## Product & Tracking Information

Postal Product:  
First-Class Mail®

Features:  
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
March 7, 2016 , 9:46 am	Delivered	BISMARCK, ND 58505

## Available Actions

Return Receipt Electronic

Text Updates

Email Updates

Your item was delivered at 9:46 am on March 7, 2016 in BISMARCK, ND 58505.

March 7, 2016 , 9:12 am	Out for Delivery	BISMARCK, ND 58504
March 7, 2016 , 9:02 am	Sorting Complete	BISMARCK, ND 58504
March 7, 2016 , 8:08 am	Arrived at Unit	BISMARCK, ND 58504
March 6, 2016 , 2:48 am	Departed USPS Facility	FARGO, ND 58102
March 5, 2016 , 12:36 pm	Arrived at USPS Facility	FARGO, ND 58102
March 2, 2016 , 9:25 am	Addressee Unknown	EL MIRAGE, AZ 85335
February 29, 2016 , 9:41 am	Moved, Left no Address	EL MIRAGE, AZ 85335
February 29, 2016 , 8:27 am	Undeliverable as Addressed	EL MIRAGE, AZ 85335
February 29, 2016 , 8:21 am	Out for Delivery	EL MIRAGE, AZ 85335
February 29, 2016 , 8:11 am	Sorting Complete	EL MIRAGE, AZ 85335
February 29, 2016 , 7:56 am	Arrived at Unit	EL MIRAGE, AZ 85335
February 28, 2016 , 3:58 pm	Departed USPS Destination Facility	PHOENIX, AZ 85043
February 26, 2016 , 3:38 pm	Arrived at USPS Destination Facility	PHOENIX, AZ 85043
February 25, 2016 , 1:03 am	Departed USPS Facility	BISMARCK, ND 58504
February 24, 2016 , 11:04 pm	Arrived at USPS Facility	BISMARCK, ND 58504
February 22, 2016	Pre-Shipment Info Sent to USPS	