

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
Jeffrey Penta,)	AND DEFAULT ORDER
NPN 8849186,)	
)	CASE NO. AG-13-396
Respondent.)	

On April 24, 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 Jeffrey Penta, NPN 8849186 (“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 April 25, 2013. Respondent accepted delivery of the certified mail on April 29, 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 May 23, 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 April 25, 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 April 29, 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 October 18, 2011, Respondent's nonresident producer license was suspended in the State of Arkansas for failure to have an active Massachusetts resident producer license. Respondent notified the Department of the action on May 18, 2012, which is more than 30 days past the final disposition of the matter. Respondent's failure to report the Arkansas action to the Department within 30 days is a violation of N.D.C.C. § 26.1-26-45.1.

V

According to information obtained by the Department, on or about November 19, 2012, the State of Kansas revoked Respondent's nonresident producer license for failure to remit premiums. While Respondent was working as a licensed insurance producer, Respondent accepted, endorsed, and deposited a money order for payment of insurance premium and failed to forward the payment to the insurance company. Respondent's actions that lead to the revocation of his insurance producer license and not reporting the

Kansas administrative action within 30 days to the Department are violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42, and 26.1-26-45.1.

VI

On or about December 7, 2012, an email was sent to Respondent requesting an explanation of the Kansas allegations of the failure to remit premium, whether any business was in North Dakota, and if any North Dakota consumers were harmed. Respondent failed to respond to the Department's email. On or about December 26, 2012, a letter was sent to Respondent by regular mail requesting the same information. Respondent failed to respond to the Department's letter. On or about January 23, 2013, a letter was sent to Respondent by certified mail, return receipt requested, requesting the same information. Respondent accepted delivery of the certified mail on January 28, 2013. Respondent failed to respond to the Department's certified mail letter. Respondent's failure to respond to the written requests for information by the Department within 20 days is a violation of N.D.C.C. § 26.1-26-42(14).

VII

According to information obtained by the Department, on or about December 12, 2012, the State of Maine revoked Respondent's nonresident producer license based on the Kansas revocation action relating to the misappropriation of premium. Respondent failed to disclose the Maine 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 Maine administrative action within 30 days to the Department are violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42, and 26.1-26-45.1.

VIII

According to information obtained by the Department, on or about January 22, 2013, the State of Vermont revoked Respondent's nonresident producer license based on the

Kansas revocation action relating to the misappropriation of premium. Respondent failed to disclose the Vermont 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 Vermont administrative action within 30 days to the Department are violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42, and 26.1-26-45.1.

IX

According to information obtained by the Department, on or about January 30, 2013, the State of Rhode Island revoked Respondent's nonresident producer license based on the Kansas revocation action relating to the misappropriation of premium. Respondent failed to disclose the Rhode Island 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 Rhode Island administrative action within 30 days to the Department are violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42, and 26.1-26-45.1.

X

According to information obtained by the Department, on or about February 4, 2013, the State of Idaho revoked Respondent's nonresident producer license based on the Kansas revocation action relating to the misappropriation of premium. Respondent failed to disclose the Idaho 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 Idaho administrative action within 30 days to the Department are violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42, and 26.1-26-45.1.

XI

According to information obtained by the Department, on or about February 28, 2013, the State of California revoked Respondent's nonresident producer license based on the Kansas revocation action relating to the misappropriation of premium. Respondent

failed to disclose the California 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 California administrative action within 30 days to the Department are violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42, and 26.1-26-45.1.

XII

According to information obtained by the Department, on or about March 21, 2013, the State of Virginia revoked Respondent's nonresident producer license based on the Kansas revocation action relating to the misappropriation of premium. Respondent failed to disclose the Virginia 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 Virginia administrative action within 30 days to the Department are violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42, and 26.1-26-45.1.

XIII

Respondent's violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42, and 26.1-26-45.1 are grounds for revocation of his insurance producer license.

XIV

On April 25, 2013, the Department mailed to Respondent, by certified mail, a letter and Complaint for Revocation of License. Respondent accepted delivery of the Complaint on April 29, 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. §§ 26.1-26-15, 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 Jeffrey Penta, NPN 8849186, 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 23rd day of May, 2013.



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

Jeffrey Penta
44 Judith Lane, Apt. 4
Waltham, MA 02452-7243

SENDER: Nancy Brady

REFERENCE: Jeffrey Penta

7196 9008 9040 1671 2042

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**
Insurance Coverage Provided
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4/25/13



Date: May 9, 2013

nancy brady:

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Signature of Recipient :

Delivery Section	
ature (
ited me	J. PENTA

Address of Recipient :

very ress	47 GILL RD
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Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
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