

**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>Brad Bertolotti,</b>	)	<b>AND DEFAULT ORDER</b>
<b>NPN 17093688,</b>	)	
	)	<b>CASE NO. AG-16-644</b>
<b>Respondent.</b>	)	

**TO: Brad Bertolotti, 7565 Weather Worn Way, Suite A, Columba, MD 21046**

On June 16, 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 Brad Bertolotti, NPN 17093688 (“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 June 16, 2016. Delivery of the certified mail was accepted on June 23, 2016. 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 27, 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 June 16, 2016. Delivery of the certified mail was accepted on June 23, 2016. 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**

According to information obtained by the Department, on or about March 24, 2016, Respondent's appointment with American Family Life Assurance Company of Columbus was terminated for cause. The reason for the termination was stated as, "Our Special Investigations Unit conducted an investigation of Brad Bertolotti's insurance practices. The investigation provided sufficient information to support the allegations of bogus business with no intent to pay and placing ineligible on a payroll

account.” Respondent’s actions that led to the termination for cause are in violation of N.D.C.C. § 26.1-26-42(6).

V

On or about April 25, 2016, a letter was sent to Respondent requesting information relating to the termination for cause. 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

On or about June 16, 2016, a Consent Order was offered to Respondent for being in violation of N.D.C.C. § 26.1-26-42(6) and (14). The Consent Order was mailed to Respondent by certified mail, return receipt requested. Delivery of the certified mail was accepted on June 23, 2016. Respondent failed to sign and return the Consent Order within 20 days.

VII

Respondent’s actions constitute violations of N.D.C.C. § 26.1-26-42(6) and (14) 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. § 26.1-26-42(6) and (14) 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 Brad Bertolotti, NPN 17093688, 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 27<sup>th</sup> day of July, 2016.



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

**TO:** Brad Bertolotti  
7565 Weather Worn Way, Unit A  
Columbia, MD 21046

**SENDER:** Jeff Ubben

**REFERENCE:** Brad Bertolotti

9314 8699 0430 0024 1246 63

PS Form 3800, January 2005

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Nancy Brady:

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