

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
Sandra Fowler,)	AND DEFAULT ORDER
NPN 17325078,)	
)	CASE NO. AG-16-594
Respondent.)	

TO: Sandra Fowler, 42 American Avenue, Concord, NC 28025

On January 26, 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 Sandra Fowler, NPN 17325078 (“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 January 27, 2016. The certified mail was returned to the Department on February 25, 2016, marked “Unclaimed.” 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 3, 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 January 26, 2016. The certified mail was returned to the Department on February 25, 2016, marked "Unclaimed." 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 10, 2014.

V

According to information obtained by the Department, on or about July 9, 2015, Maine revoked Respondent's nonresident insurance producer license. The Maine administrative action should have been reported to the Department by August 9, 2015, and it was not. Respondent's failure to report the Maine administrative action within 30 days is in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-45.1(1).

VI

During a review of Respondent's North Dakota record, additional administrative actions were discovered that should have been reported to the Department within 30 days and they were not. The additional administrative actions were as follows:

4/2/15	California – License Denied
4/23/15	Virginia – License Revoked
7/13/15	Indiana – License Suspended-Indefinite
8/4/15	Ohio – License Surrendered
9/22/15	Georgia – License Suspended-Indefinite

Respondent's failure to report each of the additional administrative actions to the Department within 30 days is in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-45.1(1).

VII

On or about October 30, 2015, a letter was sent by certified mail, return receipt requested, to Respondent at her mailing address on file with the Department requesting information relating to the administrative actions. Delivery of the certified mail was accepted on November 2, 2015. 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).

VIII

Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42(14), and 26.1-26-45.1(1) 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 her 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(14), and 26.1-26-45.1(1) 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 Sandra Fowler, NPN 17325078, 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 3rd day of March, 2016.



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

TO: Sandra Fowler
42 American Avenue
Concord, NC 28025

SENDER: Jeff Ubben

REFERENCE: Sandra Fowler

9314 8699 0430 0019 9411 69

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
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POSTMARK OR DATE

1/27/16

English

Customer Service

USPS Mobile

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Tracking Number: 9314869904300019941169

Updated Delivery Day: Thursday, February 25, 2016

Product & Tracking Information

Postal Product:
First-Class Mail®

Features:
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
February 25, 2016 , 9:40 am	Delivered	BISMARCK, ND 58505

Available Actions

Return Receipt Electronic

Text Updates

Email Updates

Your item was delivered at 9:40 am on February 25, 2016 in BISMARCK, ND 58505.

February 25, 2016 , 8:58 am	Out for Delivery	BISMARCK, ND 58504
February 25, 2016 , 7:44 am	Sorting Complete	BISMARCK, ND 58504
February 25, 2016 , 6:47 am	Arrived at Unit	BISMARCK, ND 58504
February 19, 2016 , 9:25 pm	Departed USPS Facility	CHARLOTTE, NC 28228
February 19, 2016 , 1:34 pm	Arrived at USPS Destination Facility	CHARLOTTE, NC 28228
February 16, 2016 , 12:46 pm	Unclaimed/Max Hold Time Expired	CONCORD, NC 28025
February 1, 2016 , 11:23 am	Notice Left (No Authorized Recipient Available)	CONCORD, NC 28025
February 1, 2016 , 9:23 am	Out for Delivery	CONCORD, NC 28025
February 1, 2016 , 8:26 am	Sorting Complete	CONCORD, NC 28025
February 1, 2016 , 5:50 am	Arrived at Unit	CONCORD, NC 28025
January 28, 2016 , 1:00 am	Departed USPS Facility	BISMARCK, ND 58504
January 27, 2016 , 10:44 pm	Arrived at USPS Facility	BISMARCK, ND 58504
January 25, 2016	Pre-Shipment Info Sent to USPS	

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Tracking (or receipt) number

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