

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
Brandon Burton,)	AND DEFAULT ORDER
NPN 9597953,)	
)	CASE NO. AG-17-736
Respondent.)	

TO: Brandon Burton, 3960 Port Royal Dr., Dallas, TX, 75244-7256

On August 30, 2017, 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 Brandon Burton, NPN 9597953 ("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 August 31, 2017. On September 19, 2017, the certified mail was returned to the Department. 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 October 9, 2017, 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 August 31, 2017. On September 19, 2017, the certified mail was returned to the Department. 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

On or about June 21, 2017, the Department received notification from NIPR that the Respondent had not paid the licensing fee. Department e-mailed Respondent verifying e-mail address. Respondent verified e-mail. Department sent e-mail regarding licensing fee. As of July 25, 2017, Respondent had not responded to the Department's communication nor paid the licensing fee. Respondent's failure to respond or pay the licensing fee is in violation of N.D.C.C. §§ 26.1-26-20 (1) and 26.1-26-42 (14).

V

Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-20 (1) and 26.1-26-42 (14).

CONCLUSIONS OF LAW

1. Respondent was properly served with the Complaint in accordance with the North Dakota Rules of Civil Procedure.
2. Because of Respondent's 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. §§ 26.1-26-20 (1) and 26.1-26-42 (14) are grounds for revocation of Respondent's 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 Brandon Burton, NPN 9597953, 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 13th day of October, 2017.



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