

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
Blenda Gamez,)	AND DEFAULT ORDER
NPN 12912196,)	
)	CASE NO. AG-16-596
Respondent.)	

TO: Blenda Gamez, 2214 East Park Row Drive, #2214N, Arlington, TX 76010

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 Blenda Gamez, NPN 12912196 (“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. 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 January 26, 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

Respondent has been licensed as a nonresident insurance producer in North Dakota since October 19, 2009.

V

According to information obtained by the Department, on or about August 6, 2015, Virginia revoked Respondent's nonresident insurance producer license. The Virginia administrative action should have been reported to the Department by September 6, 2015, and it was not. Respondent's failure to report the Virginia 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, it was discovered that Missouri fined Respondent \$250 on or about July 3, 2013. This action should have been reported to the Department by August 3, 2013, and it was not. Respondent's failure to report the Missouri administrative action within 30 days is in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-45.1(1).

VII

During a review of Respondent's North Dakota record, it was discovered that Louisiana fined Respondent \$250 on or about October 4, 2013. This action should have been reported to the Department by November 4, 2013, and it was not. Respondent's failure to report the Louisiana administrative action within 30 days is in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-45.1(1).

VIII

During a review of Respondent's North Dakota record, it was discovered that Florida permanently barred Respondent on or about March 24, 2014. This action should have been reported to the Department by April 24, 2014, and it was not. Also, the Florida administrative action should have also been disclosed on Respondent's January 30, 2015, renewal application and it was not. Respondent's failure to report the Florida administrative action within 30 days and to disclose the Florida administrative action on an application is in violation of N.D.C.C. §§ 26.1-26-15, 26.1-26-42(1), and 26.1-26-45.1(1).

IX

During a review of Respondent's North Dakota record, it was discovered that North Carolina allowed Respondent to surrender her nonresident insurance producer license on or about June 17, 2014. This action should have been reported to the Department by July 17, 2014, and it was not. Also, the North Carolina administrative action should have also been disclosed on Respondent's January 30, 2015, renewal application and it was not. Respondent's failure to report the North Carolina administrative action within 30 days and to disclose the North Carolina administrative action on an application is in violation of N.D.C.C. §§ 26.1-26-15, 26.1-26-42(1), and 26.1-26-45.1(1).

X

During a review of Respondent's North Dakota record, it was discovered that New York revoked Respondent's nonresident producer license on or about January 15, 2015. This action should have been reported to the Department by February 15, 2015, and it was not. Also, the New York administrative action should have also been disclosed on Respondent's January 30, 2015, renewal application and it was not. Respondent's failure to report the New York administrative action within 30 days and to disclose the New York administrative action on an application is in violation of N.D.C.C. §§ 26.1-26-15, 26.1-26-42(1), and 26.1-26-45.1(1).

XI

During a review of Respondent's North Dakota record, it was discovered that South Dakota nonrenewed Respondent's nonresident insurance producer license on or about February 18, 2015. This action should have been reported to the Department by

March 18, 2015, and it was not. Respondent's failure to report the South Dakota administrative action within 30 days is in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-45.1(1).

XII

During a review of Respondent's North Dakota record, it was discovered that Washington revoked Respondent's nonresident insurance producer license on or about May 21, 2015. This action should have been reported to the Department by June 21, 2015, and it was not. Respondent's failure to report the Washington administrative action within 30 days is in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-45.1(1).

XIII

On or about November 2, 2015, a letter was sent to Respondent at her mailing address on file with the Department by certified mail, return receipt requested, requesting information relating to the various administrative actions. The letter was returned to the Department marked "Return to Sender – Unclaimed – Unable to Forward." 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).

XIV

Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-15, 26.1-26-42(1) and (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(1) and (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 Blenda Gamez, NPN 12912196, 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 16th day of March, 2016.



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

TO: Blenda Gamez
2214 East park Row Drive, #2214N
Arlington, TX 76010

SENDER: Jeff Ubben

REFERENCE: Blenda Gamez

9314 8699 0430 0019 9563 92

PS Form 3800, January 2005

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