

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
Brittany Ouellette,)	AND DEFAULT ORDER
NPN 17756373,)	
)	CASE NO. AG-16-687
Respondent.)	

TO: Brittany Ouellette, 15030 Giles Road, #307, Omaha, NE 68138

On November 29, 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 Brittany Ouellette, NPN 17756373 ("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 November 30, 2016. On December 27, 2016, 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 January 30, 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 November 30, 2016. On December 27, 2016, 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

According to information obtained by the Department, on or about August 8, 2016, Respondent's appointment with AAA Life Insurance Company was terminated for cause. The reason for the termination was stated as the company's investigation discovered Respondent, on three separate occasions, used the company's computer systems to email sensitive client data to her personal email 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 August 23, 2016, a letter was sent by certified mail, return receipt requested, to Respondent requesting information relating to the termination for cause. The certified mail was returned to the Department marked "Return to Sender – Unclaimed – Unable to Forward." Respondent has 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. § 26.1-26-42(14).

VI

On or about November 30, 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. On December 27, 2016, the certified mail was returned to the Department. 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 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. § 26.1-26-42(6) and (14) 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 Brittany Ouellette, NPN 17756373, 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 31st day of January, 2017.



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

TO: Brittany Ouellette
15030 Giles Road, #307
Omaha, NE 68138

SENDER: Jeff Ubben

REFERENCE: Brittany Ouellette

9314 8699 0430 0028 7911 06

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	1.36
	Certified Fee	3.30
	Return Receipt Fee	1.35
	Restricted Delivery	0.00
	Total Postage & Fees	6.01

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11/30/16