

MAY 30 2024

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	FINDINGS OF FACT, CONCLUSIONS
)	OF LAW, RECOMMENDED ORDER
PETITIONER,)	AND ORDER
)	
VS.)	CAUSE NO. A-2369
)	
ALEXANDRIA-ANDREA MOORE,)	
(NAIC Producer #7155867),)	
)	
RESPONDENT.)	

This matter came on for hearing on May 14, 2024, before Megan VanAusdall, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance (“Department”) was represented by its counsel, Cheryl Wolff. Alexandria-Andrea Moore, (“Respondent”), did not appear and was not represented by counsel. The proceedings were recorded by Shelly Storie, a licensed Notary Public. The Department offered Exhibits 1 and 2 at the hearing, which were received without objection. The Respondent did not offer any exhibits. After the conclusion of evidence, the matter was taken under advisement. The hearing officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. The Department is the agency of the State of Nebraska charged with licensing insurance producers.
2. Respondent is a licensed non-resident insurance producer. Respondent’s business, residential, and mailing address on file with the Department is 525 Dunn Street, Tallahassee, Florida

32304. Her email address on file with the Department is alexandriashirylaka47@gmail.com. (Ex. 1, Attachment 1).

3. Respondent applied for and was granted a non-resident producer license in Nebraska, with an effective date of October 13, 2023. This was an electronic Application, submitted through the National Insurance Producer Registry (“NIPR”) website, and the associated transaction fee was paid with an electronic check, issued in Respondent’s name. This electronic check was subsequently not honored by Respondent’s bank. NIPR’s Billing Department notified the Department that they could not collect the required licensing fee, via a letter sent as an email attachment to Kevin Schlautman, the Department’s Licensing administrator, on January 31, 2024. (Ex. 1, Attachments 1 and 2).

4. On or about February 9, 2024, the Department, through its employee, Kevin Schlautman, sent a letter as an email attachment to Respondent’s registered address, as well as a certified letter to Respondent’s residential, business, and mailing address requesting payment of the required licensing fee in the amount of \$55.60. (Ex. 1, Attachment 3)

5. Upon checking the United States Postal System (“USPS”) Tracking system, Mr. Schlautman found the letter sent to Respondent via certified mail, return receipt requested was marked as delivered to the Respondent’s registered address and signed for on February 16, 2024. (Ex. 1, Attachment 4)

6. The return receipt from the letter sent to Respondent via certified mail was delivered to the Department on February 26, 2024, signed, and confirming delivery. (Ex. 1, Attachment 5)

7. As of March 26, 2024, the Department has not received a response from Moore to either the email message or the certified letter from the Department’s Licensing administrator, Kevin Schlautman, and her licensing application fee balance remains unpaid. (Ex. 1)

8. On or about March 27, 2024, the Petition and Notice of Hearing were served upon Respondent by mailing the same to her registered business, mailing and residential addresses, by certified mail, return receipt requested, and via sending the same as an attachment to an email message, addressed to Respondent's registered email address. A search of the USPS Tracking History showed delivery to Respondent's address on February 16, 21024, and then the Department received the Domestic Return Receipt Card for the letter sent certified mail to her registered residential address on April 8, 2024, returned by the U.S. Postal, and confirming delivery. (Ex. 2, Attachment 1)

CONCLUSIONS OF LAW

1. The Department has broad jurisdiction, control, and discretion over the licensing of insurance producers in the State of Nebraska pursuant to Neb. Rev. Stat. §§ 44-101.01 and 44-4047 to 40-4069.

2. The Department has personal jurisdiction over Respondent.

3. Pursuant to Neb. Rev. Stat. §§44-4059(1), the director may suspend, revoke, or refuse to issue or renew an insurance producer's license or may levy an administrative fine if it is found that the producer has violated any insurance law.

4. Respondent violated Neb. Rev. Stat. § 44-4059(1)(b) and (h) as a result of the conduct found in the Findings of Fact and as evidenced by the relevant exhibits received.

DISCUSSION

At the hearing, the Department presented sufficient evidence of proper service of notice of these proceedings upon Respondent. The Department served Respondent via certified mail, return receipt requested and regular U.S. mail to the Respondent's registered addresses, as well as sending documents via email to Respondent's registered email address. The Department also provided a Domestic Return Receipt for the notice filings, which, along with the tracking information also

provided, confirmation of delivery to the Respondent. Based upon the evidence of record, the Department's service of the petition and notice of hearing upon Respondent at her business, residential, and mailing addresses of record were sufficient and jurisdiction over the actions of the Respondent in this matter has been established.

The uncontested evidence shows that Respondent engaged in dishonest practices and demonstrated financial irresponsibility in the conduct of business in this state or elsewhere. Additionally, the Respondent did not provide any evidence that disputes the fact that she attempted to pay the required licensing fee with an electronic check that was subsequently not honored by the Respondent's bank and failed to remit valid payment even after repeated notices requesting payment.

These actions constitute a violation of Neb. Rev. Stat. § 44-4059(1)(b) and (h).

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's non-resident insurance producer's license be suspended until the required license fee has been paid and remitted to the Department. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling Respondent or the Department of Insurance to make application for such orders as may be necessary.

Dated this 28th day of May 2024.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Megan VanAusdall, #27433
Hearing Officer

CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of State of Nebraska, Department of Insurance vs. Alexandria-Andrea Moore, (NAIC Producer #7155867), Cause No. A-2369.

Dated this 30th day of May 2024.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Eric Dunning
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order, and Order was served upon the Respondent by mailing a copy to Respondent's registered 525 Dunn Street, Tallahassee, Florida 32304, via certified mail, return receipt requested and via regular U.S. mail, as well as sending a digital copy as an email attachment to her email address on file with the Department, alexandriashirylaka47@gmail.com, on this 30th day of May 2024.

