

MAY 20 2024

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)
DEPARTMENT OF INSURANCE,)
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IN THE MATTER OF THE DENIAL OF)
LICENSE FOR HEATHER PURA)
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FINDINGS OF FACT,
CONCLUSIONS OF LAW,
RECOMMENDED ORDER AND
ORDER

CAUSE NO. A-2373

This matter came up for hearing on May 7, 2024, before Michael W. Anderson, 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, Megan VanAusdall. Heather Pura ("Applicant") was not present and was not represented by counsel. The proceedings were recorded by Shelly Storie, a licensed Notary Public. The Department presented evidence at the hearing and 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. On March 19, 2024, the Department received an application from the Applicant requesting licensure in the Title line of insurance. Applicant's registered residential and mailing address in that application is 4706 Glasgow Ave, Omaha,

Nebraska 68157 and Applicant's business address is listed as Omni Title Services, Inc, 407 N 117th Street, Omaha, Nebraska 68154. (See Ex. 2, Attachment 1).

3. In response to background question 2, which asks "Have you ever been names or involved as a party in an administrative action proceeding?" Applicant answered this question in the negative. (See Ex. 2, Attachment 1)

4. A routine review of the Department's records was conducted to verify Applicant's answer to background question 2, which revealed that existence of a prior administrative action naming the Applicant. This case was styled *State of Nebraska, Department of Insurance v. Heather Pura*, Cause No. A-1805, circa 2009. (See Ex. 1, Attachment 2)

5. In this prior 2009 action, Applicants then-held non-resident producer's license was revoked. (See Ex. 2, Attachment 2)

6. On March 25, 2024, Applicant's application was denied, citing Neb. Rev. Stat. §44-4059(1)(i). (See Ex.2, Attachment 3)

7. On April 15, 2024, the Department received a letter from Applicant requesting a hearing on the denial. (See Ex. 2, Attachment 4)

8. Applicant appeared at the hearing and offered an affidavit from her then-estranged husband, Dionisio A. Pura, Jr. This affidavit states that Applicant's original notice of the 2009 action was delivered to Applicant's husband's home, who received the notice, and did not communicate the notice to the Applicant. (See. Ex. 1 and Testimony of Applicant)

9. Applicant further testified that she now holds a job at Omni Title Services, Inc., and has been offered a promotion that would require licensure in the Title line of insurance. Applicant stated that she does not contest the existence of the prior action, and that she had simply mistakenly provided an incorrect answer on the application. (Testimony of Applicant)

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 et seq.
2. The Department has personal jurisdiction over Applicant.
3. Pursuant to Neb. Rev. Stat. § 44-4059(1)(i), the Director may suspend, revoke or refuse to issue or renew an insurance producer's license or may levy an administrative fine against an insurance producer's license if it is found that the producer has had "an insurance producer license, or its equivalent, denied, suspended, placed on probation, or revoked in Nebraska or in any other state, province, district, or territory".
4. Applicant violated Neb. Rev. Stat. § 44-4059(1)(i) as a result of the conduct found in paragraphs 1-9 in the Findings of Fact and as evidenced by the relevant exhibits received.

DISCUSSION

At the hearing, the Department presented evidence of service of notice of these proceedings upon Applicant. The Department served Applicant via certified mail, return receipt requested, regular U.S. mail to the Applicant's registered address.

The uncontested evidence shows that Applicant had a prior administrative action against her previously held non-resident insurance producer's license. As a result of that action, Applicant's non-resident license was revoked in February of 2009.

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

While the existence of this prior action and revocation serves as a sufficient

statutory basis for denial of Applicant's license, such denial is discretionary, and the burden is on the Applicant to demonstrate that a license should be granted. This body makes note of the fact that the prior violation is over 15 years old, and that Applicant has not had any negative Department contacts in that time, and Applicant has continued to work in the industry in a non-licensed capacity without apparent issue.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Applicant's denial of license be overturned, and that such license be issued to Applicant in the Title line of insurance, assuming no other outstanding obligations to receive such license. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling Applicant or the Department of Insurance to make application for such orders as may be necessary.

Dated this 15th day of May, 2024.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Michael W. Anderson
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 the Denial of License For Heather Pura, Cause No. A-2373.

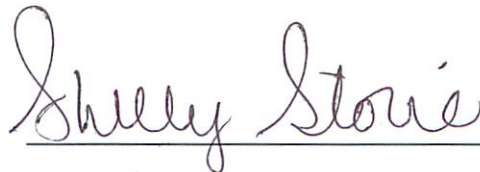
Dated this 20th day of May, 2024.

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 Applicant by mailing a copy to Applicant's registered addresses at 4706 Glasgow Ave, Omaha, Nebraska 68157 and Omni Title Services, Inc, 407 N 117th Street, Omaha, Nebraska 68154, via certified mail, return receipt requested, via regular U.S. mail, on this 20th day of May, 2024.


Shelly Storie