

JUL 17 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-2382
)	
Giovanni D'Metayer,)	
(NAIC Producer #20102860))	
)	
)	
RESPONDENT.)	

This matter came up for hearing on July 2, 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, Michael Anderson. Giovanni D'Metayer ("Respondent") 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. Respondent currently holds a non-resident insurance producer's license in the State of Nebraska. Respondent's registered residential and business/ mailing addresses with the Department are 3970 Coral Springs Drive, Coral Springs, Florida 33065-2349, and 6424 NW 5th Way, Fort Lauderdale, Florida 33309-6112, respectively. (See Exhibit 2, Attachment 1)

3. On or about November 13, 2023, Petitioner's Office received a consumer complaint concerning the Respondent. (See Exhibit 1, Attachment 1)

4. As a result of an initial round of inquiries, Petitioner's Office was informed of an additional contact email address for Respondent on February 12, 2024. This address, provided by Strategic Limited Partners, LP, was sghealthgroupllc@aol.com. Strategic Limited Partners, LP is the administrator of the benefit plan to which Complainant was enrolled. (See Exhibit 2, Attachment 2)

5. On March 6, 2024, the Petitioner's Office, through its employee, Heather McCannon, ("McCannon") a letter was sent to the email of the employer on file, info@healthquotegrp.com, the email address provided from Strategic Limited Partners, sghealthgroupllc@aol.com, and the personal email address on file for the Respondent, giovannidm4@aol.com. This letter requested specific information concerning the complaint and Respondent's handling of the Complainant's enrollment into coverage. (See Exhibit 1, Attachment 3)

6. On March 6, 2024, the Petitioner's Office received an email from the employer email address on file, info@healthquotegrp.com, informing Petitioner's Office that Respondent had not worked at the agency "since last year". This change in contact information was not reported to Petitioner's Office by Respondent. (See Exhibit 1, Attachment 4)

7. On March 27, 2024, a follow up email was sent to the Respondent's personal email address on file, as well as copies of the letter sent on March 6, 2024 being mailed to 6424 NW 5th Way, Fort Lauderdale, Florida 33309-6112. Copies of this letter were also sent to sghealthgroupllc@aol.com and mailed to SG Health Group LLC, 62nd St, Suite 1011072, Fort Lauderdale, Florida 33309. (See Exhibit 1, Attachment 5)

8. On April 2, 2024, Petitioner's Office received a response from Respondent from email address sghealthgrouppllc@aol.com. This response was deemed incomplete as it did not include the file documentation that was requested. (See Exhibit 1, Attachment 6)

9. On April 16, 2024, Respondent provided an additional response, again claiming that he did not know a lot about the health plan that he enrolled complainant in. (See Exhibit 1, Attachment 8¹)

10. On April 18, 2024, a follow-up response was sent to Respondent at sghealthgrouppllc@aol.com and giovannidm4@aol.com. This response repeated the request for file documentation concerning the complainant. See Exhibit 1, Attachment 9)

11. On April 29, 2024, Petitioner's Office received an additional response from the Respondent, which failed to respond to the following requests:

- a. Explain how [Respondent] did not know what type of plan he was enrolling [complainant] into.
- b. What information about Strategic's plan was provided to Respondent. Provide Documentation.
- c. Provide a list of all third-party vendors as well as their contact's name and phone numbers.
- d. Verify if SG Health, or both are CMS certified.
- e. Copy of Complainant's application.
- f. Copy of full policy issued to Complainant.
- g. Dates and details of contact with the Complainant.
- h. Copies of all correspondence sent to complainant regarding enrollment and policy documents. (See Exhibit 1, Attachment 10)

¹ At hearing, the Department's representative stated the attachments to Exhibit 1 were numbered "1-11," however, there is no "Attachment 7," and thus the total number of Attachments to Exhibit 1 is ten, and no attachments are missing from the record. (See: hearing record)

12. On May 1, 2024, Petitioner's Office received an email from sghealthgroupllc@aol.com, including a copy of the previously received April 29 response. It should be noted that this email was not signed by Respondent. (See Exhibit 1, Attachment 11)

13. As of May 16th, 2024, the Petitioner's Office has not received any additional communication from Respondent responsive to their previous inquiries. (See Exhibit 1)

14. On or about May 16, 2024, Petitioner's Office, through their counsel, filed a Petition and Notice of Hearing commencing this proceeding.

15. On or about May 16, 2024, Shelly Storie, the paralegal for the Petitioner's Office, sent a copy of the Petition and Notice of hearing in this matter to Respondent, at his registered addresses, 3970 Coral Springs Drive, Coral Springs, Florida 33065-2349, and 6424 NW 5th Way, Fort Lauderdale, Florida 33309-6112, respectively, via certified mail, return receipt requested, and by regular U.S. mail. (See Exhibit 3)

16. On or about June 3, 2024, the Domestic Return Receipt Card sent to 6424 NW 5th Way, Fort Lauderdale, Florida 33309-6112 was returned by the U.S. Postal Service ("USPS"), signed, and confirming receipt. As of July 2, 2024, the letter sent by regular mail to the same address has not been returned to the Petitioner's Office. (See Exhibit 3, Attachment 1)

17. On or about June 10, 2024, the letter sent by certified mail, return receipt requested, to Respondent's address at 3970 Coral Springs Drive, Coral Springs, Florida 33065-2349 was returned by USPS, marked "RETURN TO SENDER, ATTEMPTED – NOT KNOWN, UNABLE TO FORWARD." (See Exhibit 3, Attachment 2)

18. On or about June 21, 2024, the letter sent by regular U.S. mail to Respondent's address at 3970 Coral Springs Drive, Coral Springs, Florida 33065-2349 was returned by USPS,

marked "RETURN TO SENDER, ATTEMPTED – NOT KNOWN, UNABLE TO FORWARD."

(See Exhibit 3, Attachment 3)

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 Respondent.

3. Pursuant to Neb. Rev. Stat. § 44-4059(1)(b), 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 violated any insurance law.

4. Pursuant to Neb. Rev. Stat. §§44-4059(1)(g), 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 a producer has "admitted or been found to have committed any insurance unfair trade practice, any unfair claims settlement practice, or fraud."

5. Pursuant to Neb. Rev. Stat. § 44-1524 (1), it shall be an unfair trade practice in the business of insurance for any insurer "to commit any act or practice defined in section 44-1525 if the act or practice is committed flagrantly and in conscious disregard of the Unfair Insurance Trade Practices Act or any rule or regulation adopted pursuant to the act.

6. Pursuant to Neb. Rev. Stat. § 44-1525 (11), it shall be unfair trade practice in the business of insurance if any insurer if they engage in the "[f]ailing of any insurer, upon receipt of a written inquiry from the department, to respond to such inquiry or request additional reasonable time to respond within fifteen working days."

7. Respondent violated Neb. Rev. Stat. § 44-4059(1)(b) and (g), and Neb. Rev. Stat. § 44-1524(1), by way of Neb. Rev. Stat. § 44-1525(11), 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 address. The Department also provided a Domestic Return Receipt for the notice filings, which, along with the tracking information also provided, confirm delivery to the Respondent. Based upon the evidence of record, the Department's service of the petition and notice of hearing upon Respondent at its mailing address was sufficient and jurisdiction over the actions of the Respondent in this matter has been established.

The uncontested evidence shows that Respondent engaged in behavior that is indicative of fraudulent and dishonest practices, or untrustworthiness in the conduct of insurance business. Further, Respondent failed to respond to the Department's written contact attempts concerning the consumer complaint naming Respondent in his capacity as an insurance producer.

These actions constitute violations of Neb. Rev. Stat. §§ 44-4059(1)(b) and (g), 44-1525(1), and 44-1524(11).

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 such a time as adequate responses concerning the consumer complaint filed, naming Respondent are received by Petitioner's Office. 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 16th day of July 2024.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



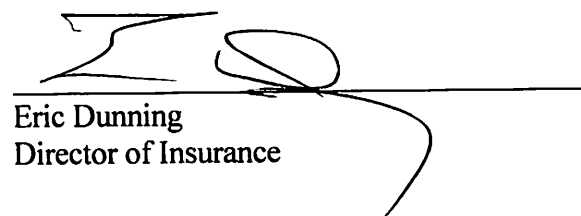
Megan WanAusdall
Hearing Officer

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. Giovanni D'Metayer (NAIC Producer #20102860), Cause No. A-2382.

Dated this 17th day of July 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 residential and business/mailing addresses with the Department, 3970 Coral Springs Drive,

Coral Springs, Florida 33065-2349, and 6424 NW 5th Way, Fort Lauderdale, Florida 33309-6112, respectively, via certified mail, return receipt requested and via regular U.S. mail on this 10th day of July 2024.

Shelly Stone