

SEP 13 2024

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

FILED

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|---------------------------|---|-------------------------------|
| STATE OF NEBRASKA         | ) |                               |
| DEPARTMENT OF INSURANCE,  | ) | FINDINGS OF FACT, CONCLUSIONS |
|                           | ) | OF LAW, RECOMMENDED ORDER     |
| PETITIONER,               | ) | AND ORDER                     |
|                           | ) |                               |
| VS.                       | ) | CAUSE NO. A-2394              |
|                           | ) |                               |
| JONATHAN ASHMAWI,         | ) |                               |
| (NAIC Producer #19067629) | ) |                               |
|                           | ) |                               |
|                           | ) |                               |
| RESPONDENT.               | ) |                               |

This matter came up for hearing on August 20, 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. Jonathan Ashmawi (“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 business/ mailing address with the Department is 1000 NW 65<sup>th</sup> Street, Suite 110, Fort Lauderdale, Florida 33309-1113, and Respondent’s residential address registered with the Department is 9320 SW 61<sup>st</sup> Way, Apt A, Boca Raton, Florida 33428. (See Exhibit 2, Attachment 1)
3. On or about April 17, 2024, Petitioner’s Office received a consumer complaint concerning the Respondent, specifically alleging that Respondent had made himself the agent of record for the complainant without the complainant’s permission. (See Exhibit 1, Attachment 1)

4. As a result of this consumer complaint, on or about April 17, 2024, the Petitioner's Office, through its employee, John Marinovich, ("Marinovich") sent a letter by regular U.S. mail to the business and mailing address on file for the Respondent. This letter requested specific information concerning the complaint and Respondent's handling of the Complainant's enrollment into coverage. (See Exhibit 1, Attachment 2)

5. On or about May 9, 2024, having received no response to his prior inquiry letter sent by regular mail, Marinovich sent a second letter to the Respondent's registered business and mailing address, at his registered address via certified mail, return receipt requested, again requesting specified information concerning the consumer complaint filed with the Department and Respondent's alleged handling of the Complainant's enrollment in coverage. On June 20, 2024, the return receipt card associated with the letter sent certified mail in May 2024 was returned to the Department, marked "RETURN TO SENDER; UNCLAIMED; UNABLE TO FORWARD."

6. As of July 3, 2024, the Petitioner's Office has not received any additional communication from Respondent responsive to their previous inquiries. (See Exhibit 1)

7. On or about July 3, 2024, Petitioner's Office, through their counsel, filed a Petition and Notice of Hearing commencing this proceeding.

8. On or about July 3, 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, 1000 NW 65<sup>th</sup> Street, Suite 110, Fort Lauderdale, Florida 33309-1113, and Respondent's residential address registered with the Department is 9320 SW 61<sup>st</sup> Way, Apt A, Boca Raton, Florida 33428, respectively, via certified mail, return receipt requested, and by regular U.S. mail. An electronic copy was also sent to Respondent's registered email address, [jashmawi@eliteagencyins.com](mailto:jashmawi@eliteagencyins.com). (See Exhibit 3)

9. On or about August 5, 2024, the letter sent by certified mail, return receipt requested, to Respondent's registered mailing and business address at 1000 NW 65<sup>th</sup> Street, Suite 110, Fort Lauderdale, Florida 33309-1113, was returned by the United States Postal Service ("USPS"), marked "RETURN TO SENDER, ATTEMPTED – NOT KNOWN, UNABLE TO FORWARD." (See Exhibit 3, Attachment 1)

10. The letter sent by certified mail in July 2024 to Respondent's registered residential address, 9320 SW 61<sup>st</sup> Way, Apt A, Boca Raton, Florida 33428, has not been returned to the Department as of August 20, 2024 (See Exhibit 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. § 44-1524 (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.

5. 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."

6. Respondent violated Neb. Rev. Stat. § 44-4059(1)(b), 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 failed to respond to the Department's written contact attempts concerning the consumer complaint naming Respondent in his capacity as an insurance producer.

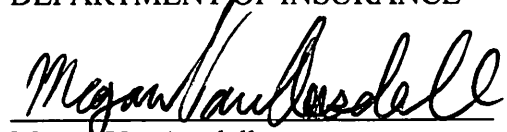
These actions constitute violations of Neb. Rev. Stat. §§ 44-4059(1)(b), 44-1525(1), and 44-1524(11).

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 3<sup>rd</sup> day of September 2024.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE



Megan VanAusdall  
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. Jonathan Ashmawi (NAIC Producer #19067629), Cause No. A-2394.


Dated this 13<sup>th</sup> day of September 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 business/ mailing and residential addresses with the Department, 1000 NW 65<sup>th</sup> Street, Suite 110, Fort Lauderdale, Florida 33309-1113, and 9320 SW 61<sup>st</sup> Way, Apt A, Boca Raton, Florida 33428, respectively, via certified mail, return receipt requested and via regular U.S. mail on this 10<sup>th</sup> day of September 2024.

  
Shelly Storie