

JUL 09 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-2381
)	
DARNELL HAYES,)	
(NAIC Producer #19165878),)	
)	
)	
RESPONDENT.)	

This matter came on for hearing on June 25, 2024, before Megan VanAusdall, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance (“Department”) appeared through its counsel, Michael W. Anderson. Darnell Hayes (“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 registered residential, mailing and business address with the Department is 6 Kingswood Dr, Lewisberry, Pennsylvania 17339-8854. (Ex. 1, Attachment 1)
3. On or about March 1, 2024, the Licensing Department of Petitioner’s Office received an alert from the National Insurance Commissioners Association (or “NAIC”) indicating that Respondent’s insurance producer license in his resident state of Iowa was revoked for “demonstrated

lack of fitness or trustworthiness, failure to respond, and unauthorized insurance business.” Exhibit 1, Attachment 2)

4. A subsequent review of the Respondent’s licensing status by the Licensing Division’s administrator revealed that Respondent’s insurance producer license in his resident state of Pennsylvania is no longer active. (Exhibit 1, Attachment 3)

5. Respondent has not, as of May 16, 2024, obtained a new resident license in Pennsylvania or any other state. (Exhibit 1)

6. On or about May 15, 2024, the Petition and Notice of Hearing were served upon Respondent by mailing the same to his registered mailing, residential, and business address with the Department, 6 Kingswood Dr, Lewisberry, Pennsylvania 17339-8854, by certified mail, return receipt requested, and by regular mail. On or about June 3, 2024, the letter sent certified mail was returned to the Department, marked “RETURN TO SENDER, NOT DELIVERABLE AS ADDRESSED, UNABLE TO FORWARD.” (See Ex. 2, Attachment 1)

7. On or about June 12, 2024, the letter sent by regular U.S. mail was returned by the United States Postal Service (“USPS”), marked “RETURN TO SENDER, NOT DELIVERABLE AS ADDRESSED, UNABLE TO FORWARD.” (See Ex. 2, Attachment 2)

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. and 44-4047 to 44-4067.

2. The Department has personal jurisdiction over Respondent.

3. Pursuant to Neb. Rev. Stat. § 44-4059(1), the Director of Insurance may suspend, revoke or refuse to issue or renew an insurance producer’s license or may levy an administrative fine . . . for any one or more of the following causes . . . (o) Failing to maintain in good standing a resident license in the insurance producer's home state.

4. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(o), as a result of the conduct set forth in the Findings of Fact.

DISCUSSION

The uncontested evidence shows that Respondent’s insurance producer license was revoked by administrative action in his resident state. As Respondent has not obtained a new license in his home state of Pennsylvania, or in any other state, he is in violation of §44-4059(1)(o). Respondent’s

failure to appear, or even contact the Department before the hearing date, indicates a lack of concern for compliance with Nebraska regulations which justifies decisive action.

A revocation of Respondent's non-resident insurance producer license is appropriate in this case.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's Nebraska non-resident insurance producer license be revoked. 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 further orders as may be necessary.

Dated this 8th day of July 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. Darnell Hayes (NAIC Producer #19165878), Cause No. A-2381.

Dated this 7th 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 were provided to the Respondent at the Respondent's registered residential, mailing, and business address, 6 Kingswood Dr. Lewisberry, Pennsylvania 17339-8854, via regular U.S. mail on this 9th day of July 2024.

Shelly Storie