

JUL 23 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.	)	
	)	
TAMMY ZEMLER,	)	CAUSE NO. A-2383
(NAIC Producer #16910415),	)	
	)	
	)	
RESPONDENT.	)	
	)	
	)	

This matter came on for hearing on July 9, 2024, before Megan VanAusdall, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. At this hearing, the Nebraska Department of Insurance (“Department”) appeared through its counsel, Michael Anderson. Tammy Zemler, (“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 currently holds an active non-resident insurance producer license in the state of Nebraska, with an effective date of February 1, 2023. Respondent’s registered residence, business and mailing address with the Department is 2106 Denver Ave, Spirit Lake, Iowa 51360. (Ex 1, Attachment 1)

3. On or about May 16, 2024, a Petition and Notice of Hearing were served upon Respondent by mailing the same to her registered address listed above, by certified mail, return receipt requested and by regular U.S. mail. (Ex. 2)

4. On or about June 3, 2024, the Domestic Return Receipt card associated with the letter sent via certified mail on May 16, 2024, addressed to Respondent's registered address, 2106 Denver Ave, Spirit Lake, Iowa 51360, was returned to the Department, signed, and confirming receipt. As of the date of hearing, July 9<sup>th</sup>, 2024, the letter sent by regular U.S. mail has not been returned to the Department. (Ex. 2, Attachment 1)

5. On or about June 16, 2023, the Department was notified that Respondent had been charged with several felonies in her resident state of Iowa. Respondent reported these charges to the Department within the required time period. (Ex. 2, Attachment 2)

6. On or about May 2, 2024, after several follow-up checks on the status of the criminal charges filed against Respondent, a search of the Iowa Courts Online Electronic Docket Record found that Respondent had entered a plea of guilty to the class D felony offense of Insurance Fraud – Application Submission on April 15, 2024, judgement of which was deferred, with Respondent being placed on a term of probation. (Ex. 2, 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 or revoke an insurance producer's license or may levy an administrative fine for violating any insurance law or violating any rule, regulation, subpoena, or order of the director or of another state's insurance commissioner or director.

4. Pursuant to Neb. Rev. Stat. § 44-4059(1)(f), the director may suspend or revoke an insurance producer's license or may levy an administrative fine for having been convicted of a felony, or a Class I, II, or III misdemeanor.

5. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(b) and (f) as a result of the conduct set forth in the Findings of Fact.

DISCUSSION


The uncontested evidence shows that Respondent pled guilty to one count of “Insurance Fraud – Application Submission”, a Class D felony. Respondent’s conviction for insurance fraud by fraudulent submission of a policy application demonstrates dishonest and untrustworthy conduct incompatible with the high ethical and moral standards required of an insurance producer.

Based on the serious nature of the evidence presented, revocation of Respondent’s 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 23<sup>rd</sup> 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. Tammy Zemler (NAIC Producer #16910415), Cause No. A-2383.

Dated this 23<sup>rd</sup> 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 Respondent by mailing a copy to Respondent's registered residential, business, and mailing address at 2106 Denver Ave, Spirit Lake, Iowa 51360, by certified mail, return receipt requested, and by regular U.S. mail, on this 23<sup>rd</sup> day of July 2024.

Shelly Storie