

NOV 13 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-2368
)	
DOMINIQUE RODRIGUEZ)	
(NAIC Producer #18933989),)	
)	
RESPONDENT.)	

This matter came on for hearing on May 7, 2024, before Cheryl Wolff, 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 W. Anderson. Dominique Rodriguez, (“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, 2, and 3 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 residential and mailing address on file with the Department is 1118 Two Wood Way, San Antonio, Texas 78221-

3176, and his registered business address is 9800 Fredericksburg Road, San Antonio, Texas 78288-0001. (Ex. 2, Attachment 1).

1. On or about January 4, 2024, the Department was notified by United Services Automobile Association (“USAA”), USAA Casualty Insurance company, USAA General Indemnity Company, and USAA Garrison Property & Casualty Company that Respondent’s employment was terminated effective January 3, 2024, for misrepresentation of material facts, and fraudulent conduct, and making false statements on a valuable property claim. (Ex. 1, Attachment 1).

2. The Department conducted an investigation concerning the Respondent. (Ex. 1).

3. As a part of that investigation, the Department received USAA’s special investigation unit’s report, dated December 7, 2023, containing information substantiating allegations that Respondent filed a fraudulent insurance claim. (Ex. 1, Attachment 2).

4. On January 10, 2024, the Department sent a written inquiry letter to the Respondent asking him to respond to his Termination for Cause by USAA. (Ex. 1, Attachment 3).

5. On March 1, 2024, the Department received a response from the Respondent. That response did not contain any information directly responsive to the inquiries of the Department but asked if any legal charges were filed or would be filed so the Respondent would know whether to request an attorney “to make sure I keep myself protected as well.” (Ex. 1, Attachment 4).

6. On March 4, 2024, the Department received a second email response from the Respondent in which he stated “[t]he allegations made by USAA are true. I presented false information in an attempt to collect payment to aid in paying personal debts.” (Ex. 1, Attachment 5).

7. On March 21, 2024, the Department, through counsel, filed a Petition and Notice of Hearing commencing this proceeding. (Ex. 3, Attachment 1).

8. On March 21, 2024, the Petition and Notice of Hearing were served upon Respondent by mailing the same to his registered address on file with the Department, by certified mail, return receipt requested, and via regular mail. (Ex. 3).

9. On or about April 2, 2024, the Domestic Return Receipt card addressed to the Respondent's registered residential and mailing address at 1118 Two Wood Way, San Antonio, TX 78221-3176 was returned by the United States Postal Service ("USPS"), signed, confirming receipt. On March 27, 2024, the Domestic Return Receipt Card addressed to 9800 Fredericksburg Road, San Antonio, Texas 78288-0001 was returned by the USPS unsigned. The USPS tracking history for the certified letter addressed to 9800 Fredericksburg Road shows the following entry, "Delivered, Individual Picked Up at Postal Facility" on March 27, 2024, at 6:29 a.m. (Ex. 3, Attachment 1).

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, provides that the Director may refuse to issue or renew an insurance producer's license for several reasons including: (b) violating any insurance law or violating any rule, regulation, subpoena, or order of the director or of another state's insurance commissioner or director; (g) having admitted or been found to have committed any insurance unfair trade practice, any unfair claims settlement practice, or fraud; and (h) using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere.

4. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(b), (g), and (h), 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 address registered with the Department. Based upon the evidence of record, the Department's service of the Petition and Notice of Hearing upon Respondent at his address of record was sufficient and jurisdiction over the actions of the Respondent in this matter has been established.

The uncontested evidence shows that the Respondent admitted to committing insurance fraud by filing a false insurance claim with the hope of recovering money due to his financial distress. This is fraudulent and dishonest conduct which violates state insurance law.

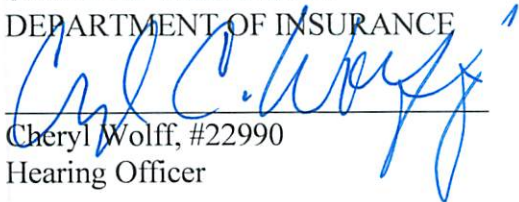
These actions constitute a violation of Neb. Rev. Stat. § 44-4059(1)(b), (g), and (h).

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 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 orders as may be necessary.

Dated this 12th day of November 2024.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

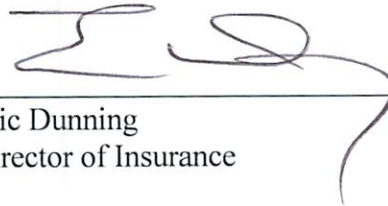

Cheryl Wolff, #22990
Hearing Officer

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. Dominique Rodriguez, (NAIC Producer #18933989), Cause No. A-2368.

Dated this 13th day of November 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 mailing address on file with the Department at 1118 Two Wood Way, San Antonio, Texas 78221-3176, and his registered business address at 9800 Fredericksburg Road, San Antonio, Texas 78288-001, via certified mail, return receipt requested and via regular U.S. mail on this 13th day of November, 2024.