

OCT 31 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-2372
)	
PATRICIA BRENWALL,)	
(NAIC Producer #19458425),)	
)	
)	
RESPONDENT.)	

This matter came on for hearing on September 24, 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. Patricia Brenwall (“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 a non-resident insurance producer’s license in the State of Nebraska. Respondent’s registered business address with the Department is CONNECT, POWERED BY AMERICAN FAMILY INSURANCE, 3500 PACKERLAND DR, DE PERE,

Wisconsin 54115-9034, and Respondent's residential address registered with the Department is 901 CLINTON ST APT 2, GREEN BAY, Wisconsin 54303-1713. (Exhibit 1, Attachment 1)

3. On September 26, 2023, the Department was notified that Respondent's license in her resident state of Wisconsin had been revoked by administrative action on July 17, 2023, due to unpaid state taxes with the State of Wisconsin. The effective date of the Wisconsin administrative action was thirty-one days after the July 17, 2024 date. Respondent also included a statement with her notice to the Department of the Wisconsin administrative action, reading "[p]lease be advised that my producer license in my home state of Wisconsin has been revoked effective 8/17/2023. It has been revoked due to unpaid state taxes with the State of Wisconsin. I have entered into a payment agreement with the Department of Revenue to resolve this matter. I have been working diligently to resolve this matter...." (Exhibit 1, Attachment 2)

4. Respondent has not, as of July 12, 2024, obtained a new resident license in Wisconsin. (Exhibit 1)

5. On or about April 03, 2024, the Petition and Notice of Hearing were served upon Respondent by Shelly, Storie, ("Storie"), an employee of the Department, by mailing the same to Respondent's registered business address with the Department at CONNECT, POWERED BY AMERICAN FAMILY INSURANCE, 3500 PACKERLAND DR, DE PERE, Wisconsin 54115-9034, by certified mail, return receipt requested, and by regular mail. A copy was also mailed to her residential address at 901 CLINTON ST APT 2, GREEN BAY, Wisconsin 54303-1713 by certified mail, return receipt requested, and by regular mail. (See Exhibit 2)

6. Upon checking the United States Postal Service's ("USPS") website for tracking information concerning service of the Petition and Notice of Hearing sent to the Respondent on April 03, 2024, to Respondent's registered business address at CONNECT, POWERED BY

AMERICAN FAMILY INSURANCE, 3500 PACKERLAND DR, DE PERE, Wisconsin 54115-9034, the USPS website listed its status as “Delivered.” To date, the Domestic Return Receipt Card and letter sent by regular U.S. mail have not been returned to the Department. (See Exhibit 2, Attachment 1)

7. The Petition and Notice of Hearing sent to Respondent’s residential address, at 901 CLINTON ST APT 2, GREEN BAY, Wisconsin 54303-1713, was also marked by USPS tracking as “Delivered, Individual Pick Up at Post Office.” To date, the Domestic Return Receipt Card and the letter sent regular U.S. mail has not been returned to the Department. (See Exhibit 2, Attachment 2)

8. On or about May 21, 2024, Storie served a copy of a Motion to Continue and an Order Granting Motion to Continue upon Respondent, by mailing the same to Respondent’s registered business address with the Department, CONNECT, POWERED BY AMERICAN FAMILY INSURANCE, 3500 PACKERLAND DR, DE PERE, Wisconsin 54115-9034, by certified mail, return receipt requested, and by regular mail. A copy was also mailed to her residential address at 901 CLINTON ST APT 2, GREEN BAY, Wisconsin 54303-1713 by certified mail, return receipt requested, and by regular mail. (See Exhibit 2)

9. On or about June 17, 2024, the Motion to Continue and an Order Granting Motion to Continue sent to Respondent’s registered business address via certified mail was returned to the Department, marked “RETURN TO SENDER, UNCLAIMED, UNABLE TO FORWARD.” To date, the letter sent regular U.S. mail has not been returned to the Department. (See Exhibit 2, Attachment 3)

10. On or about July 16, 2024, Storie served a second copy of a Motion to Continue and an Order Granting Motion to Continue upon Respondent, by mailing the same to Respondent’s

registered business address with the Department, CONNECT, POWERED BY AMERICAN FAMILY INSURANCE, 3500 PACKERLAND DR, DE PERE, Wisconsin 54115-9034, by certified mail, return receipt requested, and by regular mail. A copy was also mailed to her residential address at 901 CLINTON ST APT 2, GREEN BAY, Wisconsin 54303-1713 by certified mail, return receipt requested, and by regular mail. (See Exhibit 2)

11. On August 23, 2024, the letter mailed to Respondent's residential address, at 901 CLINTON ST APT 2, GREEN BAY, Wisconsin 54303-1713, was returned to the Department, marked "RETURN TO SENDER, UNCLAIMED, UNABLE TO FORWARD." (See Exhibit 2, Attachment 4)

12. On September 06, 2024, the letter mailed certified mail, return receipt requested to Respondent's registered business address, at CONNECT, POWERED BY AMERICAN FAMILY INSURANCE, 3500 PACKERLAND DR, DE PERE, was returned, signed, confirming delivery. To date, the letters sent regular U.S. mail to both addresses have not been returned to the Department. (See Exhibit 2, Attachment 5)

13. On or about July 24, 2024, Storie served a third copy of a Motion to Continue and an Order Granting Motion to Continue upon Respondent, by mailing the same to Respondent's registered business address with the Department, CONNECT, POWERED BY AMERICAN FAMILY INSURANCE, 3500 PACKERLAND DR, DE PERE, Wisconsin 54115-9034, by certified mail, return receipt requested, and by regular mail. A copy was also mailed to her residential address at 901 CLINTON ST APT 2, GREEN BAY, Wisconsin 54303-1713 by certified mail, return receipt requested, and by regular mail. (See Exhibit 2)

14. On August 14, 2024, the letter mailed certified mail, return receipt request to Respondent's registered business address, at CONNECT, POWERED BY AMERICAN FAMILY

INSURANCE, 3500 PACKERLAND DR, DE PERE, was returned signed by “Scott O’Neill,” conforming delivery. (See Exhibit 2, Attachment 6)

15. On August 23, 2024, the letter mailed certified mail, return receipt request to Respondent’s residential address, at 901 CLINTON ST APT 2, GREEN BAY, Wisconsin 54303-1713, was returned to the Department, marked “RETURN TO SENDER, UNCLAIMED, UNABLE TO FORWARD.” To date, the letter sent regular U.S. mail to both addresses have not been returned to the Department. (See Exhibit 2, Attachment 7)

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 . . . (i) Having an insurance producer license, or its equivalent, denied, suspended, placed on probation, or revoked in Nebraska or any other state, province, district or territory; or, (o) Failing to maintain in good standing a resident license in the insurance producer’s home state.

4. Pursuant to Neb. Rev. Stat. § 44-4065(1), an insurance producer shall report to the director any administrative action taken against the producer in another jurisdiction by a professional self-regulatory agency such as the Financial Industry Regulatory Authority or a similar organization, or by any other governmental agency within thirty days of the final disposition of the matter. This report shall include a copy of the order, consent to order, or other relevant legal documents.

5. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(i) & (o), and 44-4065(1) as a result of the conduct set forth in the Findings of Fact.

DISCUSSION

The uncontested evidence shows that Respondent's insurance producer's license was revoked by administrative action in her resident state, in violation of § 44-4059(1)(i). As Respondent has not obtained a new license in her home state of Wisconsin, or in any other state, she is in violation of § 44-4059(1)(o). Respondent's failure to appear indicates a lack of concern for compliance with Nebraska regulations which justifies decisive action.

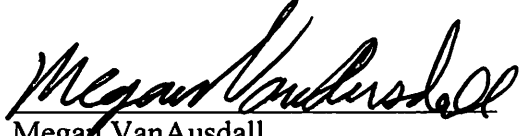
Suspension of Respondent's non-resident insurance producer's license, until or unless Respondent obtains a valid insurance license in her resident state, is appropriate in this case.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's Nebraska non-resident insurance producer's license be suspended, until such time as Respondent has obtained a valid insurance producer's license in her resident state and notified the Department of the same. 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 22nd day of October 2024.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

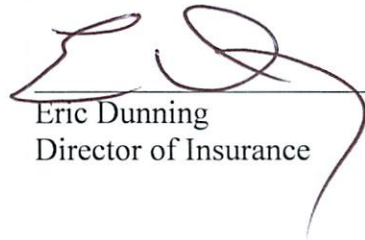

Megan VanAusdall
Hearing Officer

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. Patricia Brenwall (NAIC Producer # 19458425), Cause No. A-2372.

Dated this 31st day of October 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 and residential addresses with the CONNECT, POWERED BY AMERICAN FAMILY INSURANCE, 3500 PACKERLAND DR, DE PERE, Wisconsin 54115-9034, and 901 CLINTON ST APT 2, GREEN BAY, Wisconsin 54303-1713, respectively, via certified mail, return receipt requested and via regular U.S. mail on this 31st day of October 2024.

