

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.)	
)	
Heather Accardo)	CAUSE NO. A-2386
(NAIC Producer #20229123),)	
)	
)	
RESPONDENT.)	
)	
)	

This matter came on for hearing on September 17, 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, Cheryl Wolff. Heather Accardo, (“Respondent”) appeared telephonically, and via WebEx, 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 currently holds an active nonresident insurance producer license. Respondent's registered business and mailing addresses with the Nebraska Department of Insurance is 180 New Camellia Boulevard, Suite 100, Covington, LA 70433-7835, and Respondent's registered residential address is 50028 Whiskey Lane, Tickfaw LA, 70466. Respondent's registered personal and business email address is HEATHER@CALL-HEALTH.COM. (Ex 1, Attachment 1)

3. On or about July 16, 2024, Kevin Schlautman ("Schlautman"), the administrator of the Licensing Division of the Petitioner's Office, checked the licensing records available, using Respondent's name as a search term. This search found a Licensee History Report record, showing that Respondent changed the business and mailing address registered with the Petitioner's Office, as well as her personal email address on file, on June 3, 2024. Prior to June 3, 2024, Respondent's registered business address on file with the Petitioner's Office was listed as 3421N CAUSEWAY BLVD, SUITE 804, METAIRIE, LA 70002, Respondent's registered mailing address was 50028 Whiskey Lane, Tickfaw, LA 70466, and Respondent's registered personal email address was SAJEO@CALL-HEALTH.COM. (Ex 1, Attachment 2)

4. On or about March 8, 2024, the Petitioner's Office, through its employee, John Marinovich, ("Marinovich") received a consumer complaint naming the Respondent. Specifically, the complaint alleged an unauthorized change of enrollment had been made in the Complainant's federal Marketplace insurance policy, namely creating a new agent of record. The complainant stated that they had never spoken to the person who was now listed as Complainant's agent of record, nor had Complainant authorized or given permission for such a change. (Ex 2, Attachment 1)

5. Marinovich is employed by the Insurance Complaints Division of the Petitioner's Office, and in that capacity started an investigation into the circumstances of the complaint, namely by sending Respondent the following inquiry letters, requesting response:

i. The first inquiry letter was sent on March 11, 2024, to the mailing and residential address and the registered business address on file with the Department. No response was received. (Ex 2, Attachment 2)

ii. A second inquiry letter was sent on April 2, 2024, to the business address and the personal and business email on file with the Department. A copy of the earlier correspondence, dated March 11, 2024, was attached. No response was received. (Ex 2, Attachment 3)

iii. A third letter and request for response was sent to Respondent on May 1, 2024, by certified mail, return receipt requested, to the business address on file for the Respondent. (Ex 2, Attachment 4)

iv. On May 8, 2024, the certified return receipt card from the letter sent by certified mail on May 1, 2024, was returned to the Petitioner's office, signed and affirming delivery. (Ex 2, Attachment 5)

vi. A subsequent inquiry letter was sent to the Respondent on July 18, 2024, via her registered email address with the Petitioner's Office, HEATHER@CALL-HEALTH.COM, with a copy of the consumer complaint and the earlier correspondence (dated March 11, 2024). A timely response was due by or on August 8, 2024. (Ex. 2, Attachment 6)

vii. Respondent did not respond in time to any of the requests for information from the Petitioner's Office (through Marinovich), nor did Respondent request additional time to respond to any of the requests. (Ex. 2)

viii. On September 9, 2024, the Respondent provided a response to the Petitioner's Office, however, it did not address eight of the nine questions asked in the letter dated March 11, 2024. In her response, Respondent claimed to not have sufficient records addressing the complaint and underlying allegation due to her employer closing their business as of July 19, 2024. Respondent's reply was sent as an email with two attachments, consisting of one written document and one audio recording (of a telephone call relevant to the consumer complaint). (Ex. 2, Attachment 7)

6. On or about May 24, 2024, Shelly Storie, (“Storie”) served upon Respondent a copy of the Petition and Notice of Hearing, based on the allegations above, as well as Respondent’s failure to respond to queries from the Department, by mailing the same to her registered business address of “3421 N Causeway Blvd, Suite 804, Metairie, LA 70002,” and to her registered residential and mailing address, at “50028 Whiskey Lane, Tickfaw, LA 70466,” by certified mail, return receipt requested. These documents were also sent to the Respondent’s registered email address of HEATHER@CALL-HEALTH.COM, and to SAJEO@CALL-HEALTH.COM.

On or about June 17, 2024, the domestic return receipt card associated with the letter sent on May 24, 2024, to Respondent’s registered business address of “3421 N Causeway Blvd, Suite 804, Metairie, LA 70002,” was returned by the United States Postal Service (“USPS,”) signed and confirming delivery. (Ex. 3, Attachment 1)

On or about June 24, 2024, the domestic return receipt card associated with the letter sent on May 24, 2024, to Respondent’s registered address at “50028 Whiskey Lane, Tickfaw, LA 70466,” was returned by the United States Postal Service (“USPS,”) signed and confirming delivery. (Ex. 3, Attachment 2)

7. On or about June 10, 2024, Storie served upon Respondent a copy of the Amended Petition and Notice of Hearing, by mailing the same to her registered business address of “3421 N Causeway Blvd, Suite 804, Metairie, LA 70002,” and to her registered residential and mailing address, at “50028 Whiskey Lane, Tickfaw, LA 70466,” by certified mail, return receipt requested, and by regular mail. These documents were also sent to the Respondent’s registered email address of HEATHER@CALL-HEALTH.COM, and to SAJEO@CALL-HEALTH.COM.

On or about June 24, 2024, the domestic return receipt card associated with the Amended Petition and Notice of Hearing sent on June 10, 2024, to Respondent’s registered residential and

mailing address of “50028 Whiskey Lane, Tickfaw, LA 70466,” was returned by the United States Postal Service (“USPS,”) signed and confirming delivery. As of September 16, 2024, the copy of these documents sent by regular mail has not been returned to the Petitioner’s Office. (Ex. 3, Attachment 4)

8. On or about July 29, 2024, Storie sent Respondent a copy of a Motion to Continue and Order Granting Motion to Continue, at Respondent’s updated business and mailing address (as of June 3, 2024 – see above), “180 NEW CAMELLIA BLVD, SUITE 100, COVINTON, LA 70433-7835,” and also sent a copy to Respondent’s residential address at “50028 Whiskey Lane, Tickfaw, LA 70466,” by certified mail, return receipt requested, and by regular mail. An electronic copy was also sent as an attachment to an email addressed to Respondent’s personal email address, at heataccardo32@gmail.com.

On or about August 9, 2024, the domestic return receipt card for the Motion to Continue and Order Granting Motion to Continue set to Respondent’s address at “50028 Whiskey Lane, Tickfaw, LA 70466,” was returned by the United States Postal Service (“USPS,”) signed and confirming delivery. As of September 16, 2024, the documents sent by regular mail to this address have not been returned to the Petitioner’s Office. (Ex. 3, Attachment 5)

On or about August 29, 2024, the documents, envelope and domestic return receipt associated with the Motion to Continue and Order Granting Continuance sent to Respondent’s address at “180 NEW CAMELLIA BLVD, SUITE 100, COVINGTON, LA 70433-78359,” were returned to the Petitioner’s Office, by USPS, marked “RETURN TO SENDER, UNCLAIMED, UNABLE TO FORWARD.” As of September 16, 2024, the documents sent by regular mail have not been returned to the Petitioner’s Office. (Ex. 3, Attachment 6)

9. On or about August 14, 2024, Storie sent Respondent a copy of the Second Amended Petition and Notice of Hearing, addressed to both Respondent's addresses, at "180 NEW CAMELLIA BLVD, SUITE 100, COVINGTON, LA 70433-78359," and "50028 Whiskey Lane, Tickfaw, LA 70466," by certified mail, return receipt requested. These documents were also sent by regular mail.

On or about September 3, 2024, the Second Amended Petition and Notice of Hearing, which was sent to Respondent's address at "180 NEW CAMELLIA BLVD, SUITE 100, COVINGTON, LA 70433-78359," by regular mail, was returned by the USPS, marked "RETURN TO SENDER, NOT DELIVERABLE AS ADDRESSED, UNABLE TO FORWARD." As of September 16, 2024, the documents sent by certified mail to this address has not been returned to the Petitioner's Office. (Ex. 3, 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. §§ 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) the director may levy an administrative fine against, or suspend or revoke an insurance producer's license if it is found that the producer has violated any insurance law, including, under subsection (g), for having admitted or been found to have committed any insurance unfair trade practice, any unfair claims settlement practice, or fraud.
4. Pursuant to Neb. Rev. Stat. § 44-1525(11), it shall be unfair trade practice in the business of insurance of any insurer if they demonstrate 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."

5. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(g) and 44-1525(11), as a result of the conduct set forth 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. Based upon the evidence of record, the Department's service of the petition and notice of hearing upon Respondent at the registered address was sufficient and jurisdiction over the actions of the Respondent in this matter has been established.

The uncontested evidence shows that Respondent, having received inquiries from the Department, failed to respond to those inquiries.

These actions constitute a violation of Neb. Rev. Stat. § 44-4059(1)(g), pursuant to §44-1525(11).

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent be ordered to pay a fine in the amount of \$500.00, as allowed under law, to be paid within 60 days, with the understanding that if such amount is not paid in full by that date, Respondent's resident insurance license shall be suspended until such time as the balance of his account is cleared without opportunity for hearing. 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, #27433

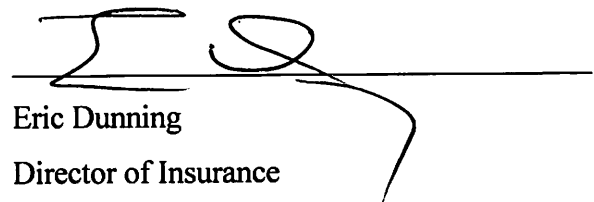
Hearing Officer

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. Heather Accardo (NAIC Producer #20229123), Cause No. A-2386.

Dated this 31 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 Respondent by mailing a copy to Respondent's registered addresses at 180 New Camellia Boulevard, Suite 100, Covington, LA 70433-7835, and 50028 Whiskey Lane, Tickfaw LA, 70466, by certified mail, return receipt requested, and by regular U.S. mail, and a digital copy was sent to Respondent's registered email address, HEATHER@CALL-HEALTH.COM, on this 31st day of October 2024.

Shelly Stone