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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-2403
)	
MICHAEL URIBE,)	
(NAIC Producer #18878227))	
)	
)	
RESPONDENT.)	

This matter came up for hearing on October 22, 2024, before Megan VanAusdall, 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, Cheryl Wolff. Michael Uribe, (“Respondent,”) was not present and was not represented by counsel. The proceedings were recorded by Shelly Storie, a licensed Notary Public. The Department presented evidence at the hearing and 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, mailing and residential address with the Department is 210 GERRY ST, Reading, Pennsylvania 19611-1822. Respondent’s registered personal and business email address with the Department is therealmichaeluribe@gmail.com. (See: Exhibit 2, Attachment 1)
3. On or about June 26, 2023, Petitioner’s Office, through their employee, an examiner in the Insurance Complaint Division, Scott Zager, (“Zager,”) received a notification of For Cause

Termination of an [insurance producer's] Appointment letter, naming Respondent, from United Healthcare Insurance Company ("UHC"). (See: Exhibit 1, Attachment 1)

4. Zager reviewed the notice letter and subsequently sent Respondent an inquiry letter on July 12, 2023, addressed to Respondent's address on file, requesting a response to UHC's allegations leading to the termination of Respondent's employment. This July 2023 inquiry letter was sent via email and by regular U.S. mail. (See: Exhibit 1, Attachment 2)

5. Having not received a response to his first inquiry letter, Zager sent Respondent a second inquiry letter on August 9, 2023, addressed to Respondent's email and physical addresses on file, requesting a response to UHC's allegations leading to the termination of Respondent's employment, and included a copy of the previous letter. This August 2023 inquiry letter was sent via email and by certified U.S. mail, return receipt requested. (See: Exhibit 1, Attachment 3)

6. On September 11, 2023, the Petitioner's Office received the return receipt card associated with the letter sent to the Respondent by certified mail in August 2023, as well as the letter and its original envelope, marked "RETURN TO SENDER; UNCLAIMED; UNABLE TO FORWARD." (See: Exhibit 1, Attachment 4)

7. When Zager retrieved the tracking information associated with the August 2023 letter sent by certified mail, available through the United States Postal Service's ("USPS") website, which showed that delivery was attempted, notice was left at the address, and the item was ultimately returned as 'unclaimed.' (See: Exhibit 1, Attachment 5)

8. As of August 21, 2024, the Petitioner's Office has not received any additional communication from Respondent responsive to their previous inquiries. (See: Exhibit 1)

9. On or about August 21, 2024, Petitioner's Office, through their counsel, filed a Petition and Notice of Hearing commencing this proceeding.

10. On or about August 21, 2024, Shelly Storie, the paralegal for the Petitioner's Office, sent a copy of the Petition and Notice of hearing in this matter to Respondent, at his registered address, 210 GERRY ST, Reading, Pennsylvania 19611-1822, via certified mail, return receipt requested, and by regular U.S. mail. (See: Exhibit 3)

11. On or about September 3, 2024, the Petitioner's Office received the return receipt card associated with the copies of the Petition and Notice of Hearing sent to the Respondent by certified mail in August 2024, as well as its original envelope, marked "RETURN TO SENDER; UNCLAIMED; UNABLE TO FORWARD." (See: Exhibit 3, Attachment 1)

12. On or about September 3, 2024, the Petitioner's Office received the return receipt card associated with the copies of the Petition and Notice of Hearing sent to the Respondent by regular mail in August 2024, as well as its original envelope, marked "RETURN TO SENDER; UNCLAIMED; UNABLE TO FORWARD." (See: Exhibit 3, 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. §§ 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, revoke or refuse to issue or renew an insurance producer's license or may levy an administrative fine against an insurance producer's license if the producer has admitted or been found to have violated 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)(g), the Director may suspend, revoke or refuse to issue or renew an insurance producer's license or may levy an administrative fine against an insurance producer's license if the producer has admitted or been found to have committed any insurance unfair trade practice, any unfair claims settlement practice, or fraud.

5. Pursuant to Neb. Rev. Stat. § 44-4059(1)(h), the Director may suspend, revoke or refuse to issue or renew an insurance producer's license or may levy an administrative fine against an insurance producer's license if the producer has admitted or been found to have used fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere.

6. Pursuant to Neb. Rev. Stat. § 44-1524 (1), it shall be an unfair trade practice in the business of insurance for any insurer "to commit any act or practice defined in section 44-1525 if the act or practice is committed flagrantly and in conscious disregard of the Unfair Insurance Trade Practices Act or any rule or regulation adopted pursuant to the act."

7. Pursuant to Neb. Rev. Stat. § 44-1525 (11), it shall be unfair trade practice in the business of insurance if any insurer if they engage in 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.”

8. Respondent violated Neb. Rev. Stat. § 44-4059(1)(b), (g), & (h), and Neb. Rev. Stat. § 44-1524(1), by way of Neb. Rev. Stat. § 44-1525(11), 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 registered address. The Department also provided a Domestic Return Receipt for the notice filings, which, along with the tracking information also provided, confirm delivery to the Respondent. Based upon the evidence of record, the Department’s service of the petition and notice of hearing upon Respondent at its mailing address was sufficient and jurisdiction over the actions of the Respondent in this matter has been established.

The uncontested evidence shows that Respondent failed to respond to the Department’s written contact attempts concerning the Notice of Termination of Appointment from United Healthcare, naming Respondent in his capacity as a former employee, and failed to adequately address or explain the allegations of fraudulent behavior while working as an insurance producer, as referenced above.

These actions constitute violations of Neb. Rev. Stat. §§ 44-4059(1)(b), (g), & (h), 44-1525(1), and 44-1524(11).

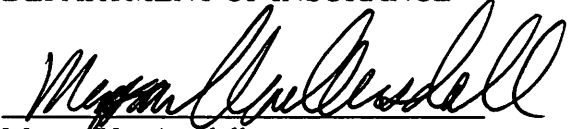
RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent be ordered both to provide an adequate response to the Petitioner’s office within the specified time period and 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 5th day of November 2024.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

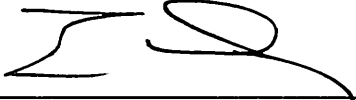

Megan VanAusdall
Hearing Officer

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. Michael Uribe (NAIC Producer #18878227), Cause No. A-2403.

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 business, mailing, and residential address with the Department, 210 GERRY ST, Reading, Pennsylvania 19611-1822, via certified mail, return receipt requested and via regular U.S. mail, as well as sending a copy via email to Respondent's registered email address at therealmichaeluribe@gmail.com, on this 13th day of November 2024.

Sherry Storie