

OCT 31 2024

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	
)	FINDINGS OF FACT,
PETITIONER,)	CONCLUSIONS OF LAW,
)	RECOMMENDED ORDER AND
VS.)	ORDER
)	
FIONA CHRISTINE BOWEN,)	CAUSE NO. A-2409
(NAIC Producer #19780523))	
)	
)	
RESPONDENT.)	

This matter came on for hearing on October 22, 2024, before Michael W. Anderson, 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. Fiona Bowen ("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, residential and mailing address

on file with the Department is 349 GREEN ASH LN, SANFORD, Florida 32771. (See Ex. 1, Attachment 1).

3. On or about April 20, 2024, Petitioner received an alert that Respondent's non-resident license in Delaware was revoked. (See Ex. 1, Attachment 2)

4. On or about June 18, 2024, the Petitioner conducted a search of the Regulatory Information Retrieval System (RIRS), which contains the records of regulatory actions taken by participating states, and found license revocations in the states of Delaware, California, South Dakota, and Pennsylvania, and a suspension and a fine in the state of Louisiana. (See Ex. 1, Attachment 3)

5. Copies of the orders from the respective states show the following:

- a. In the April 16, 2024, administrative action Delaware revoked Respondent's nonresident license in Delaware and she was fined \$500 for not reporting adverse administrative actions in another jurisdiction within 30 days of the final disposition of the matter. (See Ex. 1, Attachment 4)
- b. In the January 5, 2024, Order of Summary Revocation, Respondent's nonresident license in California was revoked, effective 30 days from the date of the Order. The revocation noted the failure to timely report adverse administrative actions in other states, specifically Pennsylvania and Louisiana, as required. (See Ex. 1, Attachment 5)
- c. In the January 12, 2024, Notice of Entry of Proposed Findings of Fact, Conclusion of Law, and Decision and Final Order, Respondent's nonresident license in South Dakota was revoked for failure to timely respond, failing to timely report administrative actions, for demonstrating

incompetence, untrustworthiness, or financial irresponsibility in the conduction of business in South Dakota or elsewhere, and for having revocation or suspension of her license in another state(s). (See Ex. 1, Attachment 6)

d. On September 1, 2023, Respondent's nonresident license in Pennsylvania was revoked after her license was suspended on July 5, 2023, and Respondent did not appeal her suspension. (See Ex. 1, Attachment 7)

e. In the March 31, 2022, Consent Order, Pennsylvania issued a \$250 fine to the Respondent for failing to disclose a misdemeanor conviction on her nonresident licensing application and provided that the Respondent's license "may be immediately suspended by the Department" if she failed to comply with the terms of the Consent Order. (See Ex. 1, Attachment 8)

f. In the March 28, 2023, Notice of Fine, Louisiana issued a \$250 fine to the Respondent for failure to timely report an administrative action. (See Ex. 1, Attachment 9)

g. Subsequently on June 23, 2023, Louisiana issued a Notice of Suspension for Respondent's nonresident license due to failure to pay the fine from the March 28, 2023, Notice of Fine. Suspension was effective 10 days from the issuance of the Notice of Suspension. (See Ex. 1, Attachment 10)

6. As of the date of the Petition, Respondent has failed to provide notice to the Petitioner of the final actions revoking her license by the states of Delaware, California, and South Dakota, the two Notices from the state of Louisiana (one that

imposed a fine and another that suspended her license in the state of Louisiana), and the Consent Order and revocation in the state of Pennsylvania. (See Ex. 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(1)(b), the Director may levy an administrative fine against an insurance producer's license if it is found that the producer has violated any insurance law.

4. Pursuant to Neb. Rev. Stat. § 44-4059(1)(i), the Director may levy an administrative fine against an insurance producer's license if it is found that the producer "[has] an insurance producer license, or its equivalent, denied, suspended, placed on probation, or revoked in Nebraska or in any other state, province, district, or territory."

5. 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 organization such as the Financial Industry Regulatory Authority or a similar organization, or by another 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."

6. Respondent violated Neb. Rev. Stat. § 44-4059(1)(b) & (i), as well as Neb. Rev. Stat. § 44-4065(1) as a result of the conduct found in paragraphs 3-6 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 uncontested evidence shows that Respondent has been the subject of administrative actions in Delaware, California, South Dakota, Pennsylvania, and Louisiana, and that Respondent did not report these actions to Petitioner's Office within the required timeframe.

These actions constitute violations of Neb. Rev. Stat. § 44-4059(1)(b) & (i), as well as Neb. Rev. Stat. § 44-4065(1).

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 31st day of October, 2024.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Michael W. Anderson
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. Fiona Bowen (NAIC Producer #19780523), Cause No. A-2409.

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, mailing and residential address at 349 GREEN ASH LN, SANFORD, Florida 32771, via certified mail, return receipt requested and via regular U.S. mail on this 31st day of October, 2024.

Shelly Storie