

FEB 23 2015

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA	)	FINDINGS OF FACT, CONCLUSIONS
DEPARTMENT OF INSURANCE,	)	OF LAW, RECOMMENDED ORDER
	)	AND ORDER
PETITIONER,	)	
	)	CAUSE NO. A-2012
VS.	)	
	)	
ARON COIT, (NAIC Producer #15508713),	)	
	)	
	)	
RESPONDENT.	)	

This matter came on for hearing on January 28, 2015, before Krystle Ledvina Garcia, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance ("Department") was represented by its attorney, Matthew Holman. Aron Coit ("Respondent") was not present and was not represented by counsel. The proceedings were recorded by Brandis Courser, 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 is a licensed resident insurance producer in the State of Nebraska whose current registered business address with the Department is Mass Mutual Continuum Financial, 10250 Regency Circle, Suite 250, Omaha, NE 68114, and whose registered home address with the Department is 12922 Vernon Avenue, Omaha, NE 68164 (See Ex. 1).

3. On or about December 11, 2014, the Petition and Notice of Hearing were served upon Respondent by mailing the same to his registered business and home address, by certified mail return receipt requested, and via regular U.S. mail. (See Ex. 2).

4. On or about December 15, 2014, the Petition and Notice of Hearing mailed to Respondent's registered home address was returned to the Department by the United States Postal Service ("USPS") as "Forward-Time Expired-Return to Sender." A forwarding address of 2019 N. 49<sup>th</sup> St., Omaha, NE 68104-5053 was provided by the USPS. (See Ex. 2, Attachment 2).

5. On or about December 15, 2014, the Petition and Notice of Hearing were served upon Respondent by mailing the same to his forwarding address by certified mail return receipt requested and via regular U.S. mail. (See Ex. 2).

6. On or about December 17, 2014 the Domestic Return Receipt attached to the Petition and Notice of hearing sent to Respondent's registered business address was returned to the Department by the USPS confirming delivery. (See Ex. 2, Attachment 1).

7. On or about January 13, 2015, the Motion for Continuance and Order Granting Motion for Continuance were served upon Respondent by mailing copies to his forwarding address at 2019 N. 49<sup>th</sup> St., Omaha, NE 68104-5053 by certified mail return receipt requested and via regular U.S. mail. (See Ex. 2).

8. On or about January 21, 2015, the Petition and Notice of Hearing sent to Respondent's forwarding address was returned by the USPS as "Unclaimed-Unable to Forward." To date, the Petition and Notice of Hearing sent to Respondent's forwarding address via regular U.S. mail has not been returned to the Department by the USPS, nor has the Department received notification that it was undeliverable. (See Ex. 2, Attachment 3).

9. As of January 28, 2015, the Motion for Continuance and Order Granting Motion for Continuance sent by certified mail to Respondent's forwarding address has not been returned to the Department, nor has the Department received confirmation of delivery. To date, the Motion for Continuance and Order Granting Motion for Continuance sent to Respondent's forwarding address via regular U.S. mail has not been returned to the Department by the USPS, nor has the Department received notification that it was undeliverable. (See Ex. 2, Attachment 6).

10. On or about July 29, 2014, Cynthia Williamson ("Williamson"), Insurance Claims Investigator for the Department, sent a letter to Respondent at his registered business address via regular U.S. mail. On or about August 4, 2014, the letter was returned to the Department by the USPS marked "Return to Sender-Not Deliverable as Addressed-Unable to Forward." (See Ex. 3, Attachment 1).

11. On or about August 4, 2014, Williamson sent a letter to Respondent at his registered home address via regular U.S. mail. To date, this letter has not been returned to the Department by the USPS, nor has the Department received notification that it was undeliverable. (See Ex. 3)

12. On or about August 25, 2014, Williamson sent a letter to Respondent at his registered business address via certified U.S. mail, return receipt requested. On or about August 29, 2014, the letter was returned to the Department by the USPS marked "Attempted-Not Known." The letter also contained a handwritten note that stated "Doesn't work here anymore." (See Ex. 3, Attachment 3).

13. On or about August 29, 2014, Williamson sent a letter to Respondent at his registered home address via certified U.S. mail, return receipt requested. On or about September 26, 2014 the letter was returned to the Department by the USPS marked "Return to Sender-Unclaimed-Unable to Forward." (See Ex. 3, Attachment 4).

14. Williamson was informed by Jackson National Insurance Company that Respondent's address was 12020 Shamrock Plaza, Suite 200, Omaha, NE 68154. On or about September 4, 2014, Williamson sent a letter to Respondent at this address. On or about September 16, 2014, this letter was returned to the Department by the USPS and marked as "Return to Sender-No Longer at this Address." (See Ex. 3, Attachment 5).

15. On or about June 14, 2014, Respondent entered into a consent order with the Financial Industry Regulatory Authority (FINRA) in which Respondent agreed to a bar in all capacities with any FINRA member for violating FINRA rules 1122, 2010, and 8210. (See Ex. 2, Attachment 9).

16. Respondent did not report the administrative action taken by FINRA referenced in Paragraph 15 to the Nebraska Department of Insurance within thirty days of the final disposition of the matter. (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 suspend or revoke an insurance producer's license, or may levy an administrative fine for violating 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)(h), the director may suspend or revoke an insurance producer's license, or may levy an administrative fine for using fraudulent, coercive, or

dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere.

5. Pursuant to Neb. Rev. Stat. § 44-4054(8), the director may suspend an insurance producer's license or may levy an administrative fine for failing to inform the director of a change of address within thirty days after the change.

6. Pursuant to Neb. Rev. Stat. § 44-4065(1), licensees must provide notice to the director of any administrative action taken against the licensee by a professional self-regulatory organization such as FINRA within thirty days of final disposition of the matter.

7. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(b), 44-4059(1)(h), 44-4054(8), and 44-4065(1) as a result of the conduct set forth in paragraphs 10 through 16 of the Findings of Fact.

### DISCUSSION

The Department provided evidence of its attempt to provide the Respondent with notice of these proceedings by certified mail, return receipt requested, and by regular U.S. mail to Respondent's registered business address, registered home address, and forwarding home address provided by the USPS. Respondent's failure to claim certified mail does not cause any defects in service. As such, reasonable notice was provided to Respondent.

The totality of the evidence presented indicates that the Department attempted to contact Respondent via U.S. mail at the addresses registered with the licensing division on several occasions beginning in August 2014. These letters were returned to the Department because Respondent no longer worked or lived at the registered addresses. The Department was unable to make contact as Respondent failed to provide the Department with his updated addresses as required by Neb. Rev. Stat. § 44-4054(8). By failing to update his address, Respondent also

demonstrated untrustworthiness and incompetence in the business of insurance and violated Neb. Rev. Stat. § 44-4059(1)(h).

Respondent also violated Neb. Rev. Stat. § 44-4065(1) by failing to notify the Department of an administrative action taken by FINRA in 2014. The Department presented evidence that Respondent entered into a consent order with FINRA and agreed to a lifetime bar in all capacities from any FINRA member. In the consent order, Respondent accepted the findings that he submitted a false paystub to get a personal loan; that he failed to disclose civil judgments to FINRA; and that he failed to provide complete answers to FINRA inquiries. Failing to inform the Department of this action also demonstrates untrustworthiness in the business of insurance in violation of Neb. Rev. Stat. § 44-4059(1)(h).

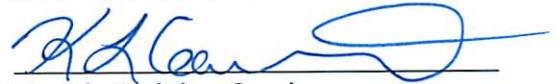
Respondent's failure to notify the Department of his address changes as well as the administrative action taken by FINRA within thirty days also violates Neb. Rev. Stat. § 44-4059(1)(b). These violations are more than sufficient to justify revocation of Respondent's Nebraska resident insurance producer license.

#### RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's Nebraska resident insurance producer 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 further orders as may be necessary.

Dated this 23 day of February, 2015.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE



Krystle Ledvina Garcia  
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. Aron Coit (NAIC Producer #15508713), Cause No. A-2012.

Dated this 23 day of February, 2015.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE



Bruce R. Range  
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 forwarding address, 2019 N. 49<sup>th</sup> Street, Omaha, NE 68104, via certified mail, return receipt requested and via regular U.S. mail on this 23 day of February, 2015.

