

MAY 15 2025

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE,

PETITIONER,

VS.

VICTORIA L. JOHNSON
(NAIC Producer # 19811044),

RESPONDENT.

) FINDINGS OF FACT, CONCLUSIONS
) OF LAW, RECOMMENDED ORDER
) AND ORDER) CAUSE NO. A-2428
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This matter came on for hearing on April 1, 2025, before Cheryl Wolff, 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, Megan VanAusdall. Victoria L. Johnson ("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 is a licensed non-resident insurance producer. Respondent's residential and mailing address on file with the Department is 750 S Marquette Dr., Montgomery, AL 36109-3808. (Ex. 1, Attachment 1).

3. On or about September 28, 2022, Respondent submitted a nonresident application for licensure as a nonresident insurance producer. A background question in the application, Question 1B, asks if the applicant has been convicted of a felony, had a judgment withheld or deferred, or is currently charged with committing a felony. The respondent answered “No” to that question. (Ex. 1, Attachment 4).

4. On or about October 2, 2024, Respondent submitted an application to reinstate her non-resident insurance producer’s license. In the application she indicated her business mailing address was 750 S Marquette Dr., Montgomery, AL 36109-3808. (Ex. 1, Attachment 2).

5. In the October 2, 2024, application, the Respondent answered “Yes” to Question 1B, which asks if the applicant has been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony. An attachment to this application explained the 2003 felony conviction for criminal possession of a forged instrument, but did not address her failure to disclose the conviction on her initial application for licensure submitted in September 2022. (Ex. 1, Attachments 2 and 3).

6. The Petition and Notice of Hearing and the Amended Petition and Notice of Hearing in this matter were served upon Respondent at her registered residential, mailing and business addresses listed on her most recent application for licensure by certified mail. Likewise, the subsequent Amended Petition and Notice of Hearing were served upon the Respondent’s registered residential, mailing, and business address listed on her most recent application for licensure by certified mail. On February 18, 2025, the Domestic Return Receipt Card was returned by the United States Post Office, signed by the Respondent confirming receipt. Respondent was given reasonable notice and an opportunity to be heard in these proceedings. (Ex. 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, provides that the Director may refuse to issue or renew an insurance producer's license for several reasons including: ... (a) providing incorrect, misleading, incomplete, or materially untrue information in the license application; (c) obtaining or attempting to obtain a license through misrepresentation or fraud; and (f) having been convicted of a felony or a Class I, II, or III misdemeanor.
4. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(a)(c) and (f), 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 these proceedings upon Respondent. The Department served Respondent via certified mail, return receipt requested and regular U.S. mail to the Respondent's residential and mailing address registered with the Department and the business address listed on her most recent application for licensure. Based upon the evidence of record, the Department's service of the Petition and Notice of Hearing, and the Amended Petition and Notice of Hearing upon Respondent at her address of record and received confirmation of receipt, which was sufficient and jurisdiction over the actions of the Respondent in this matter has been established.

The uncontested evidence shows that Respondent lied on her initial application for a nonresident insurance producer's license, but did subsequently disclose her felony conviction to the Department on her subsequent application.


These actions constitute a violation of Neb. Rev. Stat. § 44-4059(1)(a), (c) and (f).

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent be assessed an administrative penalty of \$3000 to be paid within 60 days of this Order and that Respondent's resident insurance producer's license be suspended until such time as the penalty amount is paid to the Department. 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 5th day of May, 2025.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE


Cheryl Wolff, #22990
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 the State of Nebraska, Department of Insurance vs. Victoria Johnson, (NAIC Producer # 19811044), Cause No. A-2428.

Dated this 15th day of May, 2025.

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 address at 750 S Marquette Dr., Montgomery, AL 36109-3808, via certified mail, return receipt requested and via regular U.S. mail on this 15th day of May, 2025.



STATIONARY STATE

The stationary state is a state in which the system is in equilibrium with its surroundings. It is characterized by the fact that the macroscopic properties of the system do not change with time.

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