STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

JUL 13 2026

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BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

IN THE MATTER OF THE DENIAL OF APPLICATION FOR LICENSE FOR NYATEN GAYE	))))))	FINDINGS OF FACT, CONCLUSIONS OF LAW, RECOMMENDED ORDER AND ORDER CAUSE NO. A-2600

This matter came for hearing on July 7, 2026, 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, Michael Anderson. Nyaten Gaye ("Applicant") appeared and was not represented by counsel. The proceedings were recorded by Shelly Storie, a licensed Notary Public. The Applicant and 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. Applicant is appealing the denial of his applications for a non-resident insurance producer's license pursuant to Neb. Rev. Stat. §44-4059(1)(i) for having 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.

3. Applicant applied to become a non-resident licensed insurance producer with the State of Nebraska. On or about June 18, 2026, the Department received an application from the Applicant

requesting licensure as an insurance producer. In his application, Applicant answered Question 1A and Question 2 in the affirmative indicating that he had been convicted of a misdemeanor and had been the subject of an administrative hearing. (Ex. 2, Attachment 1).

4. In a review of Applicant's application, the Department became aware that Applicant was the subject of a department administrative action A-2013, wherein his license was revoked effective June 10, 2015, citing failure to respond and license revocations in Iowa, Kentucky, North Dakota, New Jersey, Arkansas, and Ohio. (Ex. 2, Attachment 2).

5. On or about June 22, 2026, the Department sent the Applicant a letter denying his application for an insurance producer license due to Applicant's prior revocation of his insurance producer license in Nebraska or any other state. (Ex. 2, Attachment 3).

6. On or about June 23, 2026, the Department received written correspondence via email from Applicant, pursuant to Neb. Rev. Stat. § 44-4059(2), requesting an administrative hearing regarding the denial of his insurance producer license. (Ex. 2, Attachment 4).

7. On or about June 24, 2026, Applicant was served with a Notice of Hearing by electronic mail to ngaye0713@gmail.com. (Ex. 3, Attachment 3).

8. On July 1, 2026, the Applicant accepted the hearing invitation for July 7, 2026. (Ex. 3, Attachment 4).

9. Applicant appeared via Microsoft Teams before the Department at an administrative hearing held on July 7, 2026, at approximately 10:50 a.m. (Appearance of Applicant).

10. At the administrative hearing, the Applicant offered his testimony and responded to questions regarding the circumstances of his past convictions which consisted of a Class E misdemeanor which occurred approximately 23 years prior when he was in college. He also was arrested and charged for operating a motor vehicle without a license after his license was suspended

for a moving violation which occurred in 2007. He did not realize the out-of-state ticket had resulted in his license being suspended. (Testimony of Applicant).

11. He also submitted copies of a Rhode Island criminal record report and a U.S. Department of Justice fingerprint report showing the following: (Ex. 1).

a. The State of Rhode Island Criminal Record Information report identifying no Rhode Island criminal convictions matching the subject. (Ex. 1).

b. A U.S. Department of Justice search of Applicant's fingerprints identifying the following charges:

   i. Theft by Unauthorized Taking or Transfer where Applicant was arrested or received on April 18, 2003. (Ex. 1).

   ii. Operating a Motor Vehicle Without a License where Applicant was arrested or received on November 13, 2007. (Ex. 1).

12. Applicant testified to explain the circumstances of his prior criminal convictions. He and a friend stole a bottle of alcohol worth approximately $10 which was the basis for his 2003 theft charge. He has paid the fine and continues to face consequences related to his theft charge. (Testimony of Applicant).

13. Applicant also testified to the series of events that led to revocation of his insurance producers license in roughly 23 other states. Applicant was dismissed after three months from MetLife Insurance after an application for an insurance producers license in Florida which triggered 10-year look back period where an undisclosed conviction was found. Applicant received a moving violation without a license charge after not realizing he had an unpaid ticket in Massachusetts. This prompted multiple state departments to file administrative actions against him to revoke his license, which was exacerbated by his failure to respond to department inquiries. Due to stressful living conditions and

misunderstandings about the seriousness of department inquiries, Applicant did not receive all his mail or would dismiss them when received. Since then, he has not been charged with any crimes and has only received moving violations. (Testimony of Applicant).

14. Applicant also described his subsequent education and professional licensure. He recently obtained an MBA from Boston University and passed his Securities Industry Essentials (SIE) exam and Series 7 exam. His FINRA license is pending provided he could successfully be reinstated in all states that had revoked his insurance producer's license. He has also received his resident insurance producers license in his home state of Rhode Island and non-resident license from the states of South Dakota, Oregon, Missouri, North Carolina, and North Dakota. On July 6, 2026, Arkansas indicated his non-resident license application would be approved but he had not received it by the date of hearing in this matter. (Testimony of Applicant).

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 to 40-4069.

2. The Department has personal jurisdiction over Applicant.

3. Pursuant to Neb. Rev. Stat. § 44-4059(1), the director may suspend, revoke, or refuse to issue or renew an insurance producer's license for (i) having 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.

4. If the director does not renew or denies an application for a license, the director shall notify the applicant or licensee and advise, in writing, the applicant or licensee of the reason

for the denial or nonrenewal of the applicant's or licensee's license. The applicant or licensee may make written demand upon the director within thirty days for a hearing before the director to determine the reasonableness of the director's action. The hearing shall be held within thirty days and shall be held pursuant to the Administrative Procedure Act, pursuant to Neb. Rev. Stat. §44-4059(2).

DISCUSSION

Applicant's two misdemeanor convictions and numerous previous administrative actions against him constitute a sufficient statutory basis to deny his license applications for a Nebraska non-resident insurance producer. However, such denial is discretionary, not mandatory. The purpose of the license renewal denial hearing is to determine the reasonableness of the denial. In the context of a proper denial, the hearing gives the applicant an opportunity, and the burden, to show why a license should be granted.

The Applicant testified regarding the circumstances leading to his convictions in 2003 and 2007, and the subsequent administrative actions against him. While the evidence shows the Applicant had misdemeanor convictions and a history of not responding to state licensing agencies, he has taken responsibility for his actions and explained the circumstances surrounding each occurrence. He has since maintained employment and has taken steps to further his education and career and had no subsequent offences. He has taken steps to obtain advanced professional licensure for securities and has successfully obtained his insurance producer licenses in his resident state and from seven other states that previously revoked his non-resident licenses.

Applicant is requesting to receive his non-resident insurance producer's license to use his insurance knowledge to help further his career and obtain a FINRA license. Applicant's application for licensure at this time can be seriously considered, despite Applicant's criminal history and license revocations, because the record demonstrates the Applicant has been successful in making a change, has obtained education and additional professional licensure, and demonstrated a substantial likelihood that Applicant will not re-offend or make decisions that conflict with the ethical standards required of an insurance producer.

The weight of the evidence presented by the Applicant sufficiently supports a finding that the director's action in denying the Applicant's request for license may be overturned without endangering any Nebraskan citizens.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law made herein, it is recommended that the initial decision to deny Applicant's licensure request, while supported by a sufficient evidentiary basis, be OVERTURNED, and that Applicant's request for licensure as a non-resident insurance producer is granted.

Dated this 13th day of July, 2026.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

Cheryl Wolff

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 Denial of Application for License for Nyaten Gaye, Cause No. A-2600.

Dated this 13th day of July, 2026.

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 Applicant by electronic mail at ngaye0713@gmail.com. and by mailing a copy to his address 300 SMITHFIELD RD, BUILDING 4 APT 8, NORTH PROVIDENCE, RI 02904. via regular U.S. mail on this 13th day of July, 2026.

Shelly Storie