

NOV 06 2017

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

IN THE MATTER OF THE DENIAL OF)	FINDINGS OF FACT, CONCLUSIONS
APPLICATION FOR LICENSE FOR)	OF LAW, RECOMMENDED ORDER
JASMINE JACKSON)	AND ORDER
)	
)	CAUSE NO. A-2086
)	

This matter came for hearing on October 19, 2017, before Matthew Holman, 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, Krystle Ledvina Garcia. Jasmine Jackson (“Applicant”) was not present and was not represented by counsel. The proceedings were recorded by Brandis Bauer, a licensed Notary Public. Evidence was received, testimony was adduced and the matter was taken under advisement. As a result of the hearing, the hearing officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. Applicant applied to become a resident licensed insurance producer with the State of Nebraska. Applicant’s application for said license was submitted to the Department on or about August 31, 2017. Within the Uniform Application for Individual Producer License (“Application”), Applicant answered question 1a in the affirmative indicating that she has been convicted of a misdemeanor, had a judgment withheld or deferred, or is currently charged with committing a misdemeanor. (Ex. 2)

2. On or about September 18, 2017, Kevin Schlautman (“Schlautman”), Licensing Administrator for the Nebraska Department of Insurance, obtained reports of the Applicant’s criminal history through the Nebraska Trial Courts Case Search System, known as Justice. After reviewing these reports, Schlautman denied Applicant’s producer license application on the grounds of having been convicted of a felony or a Class I, II, or III misdemeanor. (Ex. 2)

3. On or about September 18, 2017, Schlautman provided written notice of said denial to Applicant at the address listed in her license application via certified mail and via electronic mail. (Ex. 2)

4. On or about September 19, 2017, the Department received written correspondence from Applicant, pursuant to Neb. Rev. Stat. § 44-4059(2), requesting an administrative hearing regarding the denial of her insurance producer license application. (Ex. 2)

5. On or about September 20, 2017, the Department of Insurance provided reasonable notice of this proceeding to the Applicant. (Ex. 1)

6. Since 2003, Applicant has been charged with and been found (or pled) guilty of multiple misdemeanors, including a 2017 conviction for theft-shoplifting in the County Court of Douglas County, Case number CR 17 0015399. (Ex. 2)

DISCUSSION

Applicant’s previous misdemeanor convictions constitute sufficient basis for the denial of Applicant’s insurance producer license; however, such denial is discretionary, not mandatory. Pursuant to Neb. Rev. Stat. § 44-4059(2), the purpose of the license denial hearing is to determine the reasonableness of the denial. The Department has statutory authority to deny an applicant’s license if the applicant has been convicted of a Class I, II, or III misdemeanor pursuant to Neb. Rev. Stat. § 44-4059(1)(f). As such, the initial denial of the application was proper. In the

context of a proper denial, the license denial hearing procedure gives applicants an opportunity to explain circumstances and show why a license should be granted.

In this instance, Applicant did not appear at the hearing and provided no evidence as to why the license denial should be overturned. As such, the Department has shown that the denial of Applicant's license was proper. The Applicant has not shown that the denial was unreasonable.

CONCLUSIONS OF LAW


1. The Department has broad jurisdiction, control and discretion over the licensing of Applicant to sell insurance in the State of Nebraska pursuant to Neb. Rev. Stat. §§ 44-101.01 and 44-4047 to 44-4067.
2. The Department has personal jurisdiction over Applicant.
3. The Director may deny the issuance of an insurance producer license on the basis of Applicant's previous conviction of a Class I, II, or III misdemeanor or a felony pursuant to Neb. Rev. Stat. § 44-4059(1)(f).

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that the denial of Applicant's insurance producer license be upheld. The Nebraska Department of Insurance will continue to retain jurisdiction over this matter.

Dated this 6th day of November, 2017.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE


MATTHEW HOLMAN
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 the Department in the matter of the Denial of Application for License for Jasmine Jackson, Cause No. A-2086.

Dated this 6 day of November, 2017.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



BRUCE R. RAMGE
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 Applicant, Jasmine Jackson, by mailing a copy to her at 1114 N 42nd Street, Omaha, NE 68131, via certified mail, return receipt requested and by regular United States mail on this 6 day of November, 2017.