

NOV 16 2017

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

**FILED**

STATE OF NEBRASKA	)	
DEPARTMENT OF INSURANCE,	)	FINDINGS OF FACT, CONCLUSIONS
	)	OF LAW, RECOMMENDED ORDER
PETITIONER,	)	AND ORDER
	)	
VS.	)	CAUSE NO. A-2090
	)	
ZACKERY HEENAN, (NAIC Producer	)	
#17822589),	)	
	)	
	)	
RESPONDENT.	)	

This matter came on for hearing on November 14, 2017, 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 counsel, Robert Bell. Zackery Heenan (“Respondent”) was not present and was not represented by counsel. The proceedings were recorded by Brandis Bauer, 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. Respondent’s registered residence address with the Department is 1004 Main Street, Plattsmouth, NE 68048. (See Ex. 2).

3. On or about October 11, 2017, the Petition and Notice of Hearing were served upon Respondent by mailing the same to his registered residence address, by certified mail return receipt requested, and via regular U.S. mail. (See Ex. 1).

4. On or about November 6, 2017, the correspondence sent by certified mail, return receipt requested to Respondent's residence address was returned to the Department by the United States Postal Service ("USPS") as "Returned to Sender. Unclaimed. Unable to Forward." The correspondence sent via regular U.S. mail has not been returned to the Department, nor has the Department received notification that the correspondence was undeliverable. (See Ex. 1).

5. On or about December 22, 2016, the Department received notice of the for-cause termination of Respondent by Northwestern Mutual. (See Ex. 2).

6. On or about December 28, 2016, the Department sent an inquiry to Northwestern Mutual requesting additional information regarding Respondent's termination. (See Ex. 3).

7. On or about January 13, 2017, Jeff Pink ("Pink"), a Consultant with Northwestern Mutual, responded to the Department's inquiry regarding Respondent. In his response, he outlined the conduct that served the basis for the termination. On or about November 16, 2016, Northwestern Mutual received a Personal Health and Status Declaration Form and a Policy Delivery Acknowledgment that did not appear to be signed by the insured client, K.K. Northwestern Mutual requested that Respondent obtain valid signatures and the new signatures did not appear to be valid. Northwestern Mutual conducted an investigation and determined that of the fifteen applications submitted by Respondent, five appeared to have invalid signatures. (See Ex. 3).

8. On or about November 17, 2016, Northwestern Mutual met with Respondent to discuss the questionable signatures on the Personal Health and Status Declaration Forms and the Policy Delivery Acknowledgment Forms for the insured, K.K. Respondent admitted to signing these

forms for the client. He alleged he forged the signatures because his clients were busy and he did not want to bother them. On or about November 22, 2016, Northwestern Mutual terminated Respondent's contract due to his admitted forgery on these documents. Respondent subsequently signed the Mutual Agreement of Agent Termination form. (See Ex. 3).

#### 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. Under Neb. Rev. Stat. § 44-4059(5), the director retains authority to enforce the provisions of and impose any penalty or remedy authorized by the Insurance Producers Licensing Act even if the person's license has lapsed by operation of law.
2. The Department has personal jurisdiction over Respondent.
3. 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.
4. Pursuant to Neb. Rev. Stat. § 44-4059(1)(j), the director may suspend or revoke an insurance producer's license, or may levy an administrative fine for forging another's name to an application for insurance or to any document related to an insurance transaction.
5. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(h) and 44-4059(1)(j) as a result of the conduct set forth in Paragraphs 5 through 8 of the Findings of Fact.

DISCUSSION

The uncontested evidence shows that Respondent forged signatures of his clients on documents related to an insurance transaction. The reason for the forgeries is irrelevant. An agent that forges documents to an insurance transaction has violated Nebraska law and also has displayed fraudulent, coercive, and dishonest practices and untrustworthiness in the conduct of business in this state. Respondent was provided adequate notice of these proceedings and did not appear at the hearing or provide any evidence to support the retention of his insurance license. Based upon the nature of the violations and the evidence presented at the hearing, revocation of Respondent's insurance license is appropriate.

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 16<sup>th</sup> day of November, 2017.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE



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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. Zackery Heenan (NAIC Producer #17822589), Cause No. A-2090.

Dated this 16 day of November, 2017.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

  
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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 registered residence address, 1004 Main Street, Plattsmouth, NE 68048, via certified mail, return receipt requested and via regular U.S. mail on this 20 day of November, 2017.

  
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