

DEC 06 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-2091
)	
MARIO A. RODAS)	
(NAIC National Producer #17846930),)	
)	
RESPONDENT.)	

This matter came on for hearing on November 29, 2017, before Robert M. Bell, 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. Mario A. Rodas (“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 non-resident insurance producer in the State of Nebraska whose current registered business address with the Department is 2475 Village View Drive, Suite 200, Henderson, NV 89074. Respondent’s registered residence address is 716 Jacobs Ladder Pl., Las Vegas, NV 89138. (See Ex. 2).

3. On or about October 17, 2017, the Petition and Notice of Hearing were served upon Respondent by mailing the same to his registered business and home addresses via certified mail return receipt requested, and via regular U.S. mail. (See Ex. 1).

4. On or about July 27, 2006, Respondent was convicted in the State of Nevada, Clark County, Henderson Municipal Court in Case No. 06CR007482 of Minor in Possession of Liquor Prohibited-Misdemeanor. (See Ex. 6).

5. On or about August 2, 2006, Respondent was convicted in the State of Nevada, Clark County, Henderson Municipal Court in Case No. 06CR005808 of Domestic Battery, 1st Offense-Misdemeanor. (See Ex. 7).

6. On or about September 29, 2008, Respondent was convicted in the State of Nevada, Clark County, Henderson Municipal Court in Case No. 08CR013181 of Contempt of Court-Misdemeanor. (See Ex. 8).

7. On or about May 13, 2016, Respondent applied for a Nebraska non-resident insurance producer license. On this application, Respondent answered 'no' to background question 1A, indicating he had never been convicted of a misdemeanor. Subsequently, the Department issued a Nebraska non-resident producer license to Respondent. (See Ex. 2).

8. On or about January 12, 2017, Respondent submitted a renewal application for his Nebraska non-resident producer license. Respondent answered 'no' to background question 1A, indicating he had never been convicted of a misdemeanor. Subsequently, the Department issued a renewal of Nebraska non-resident producer license to Respondent. (See Ex. 2).

9. On or about April 27, 2017, the California Department of Insurance issued an order denying Respondent's California non-resident producer license. (See Ex. 3).

10. On or about July 14, 2017, the State of Washington, Office of the Insurance Commissioner, issued an order revoking Respondent's non-resident insurance producer license. (See Ex. 4).

11. On or about August 25, 2017, the Commonwealth of Virginia, State Corporation Commission issued an order revoking Respondent's non-resident insurance producer license. (See Ex. 5).

12. Respondent did not report any of the administrative actions listed in paragraphs 9 through 11 within thirty days of final disposition. (See Ex. 2 and 3, 4, 5).

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), the director may suspend or revoke an insurance producer's license, or may levy an administrative fine for any one or more of the following causes: (a) providing incorrect, misleading, incomplete, or materially untrue information in the license application; (b) violating any insurance law or violating any rule, regulation, subpoena, or order of the director or of another state's insurance commissioner or director; (h) for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere; or (i) having an insurance producer license or its equivalent denied, suspended, placed on probation, or revoked in Nebraska or any other state, province, district, or territory.

4. Pursuant to Neb. Rev. Stat. § 44-4065(1), licensees must provide notice to the director of any administrative action taken against the licensee in another jurisdiction within thirty days of final disposition of the matter.

5. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(a), 44-4059(1)(b), 44-4059(1)(h), 44-4059(1)(i), and 44-4065(1) as a result of the conduct set forth in the Findings of Fact.

DISCUSSION

The Department provided sufficient evidence to show that reasonable notice of these proceedings was provided to the Respondent. The uncontested evidence provided by the Department shows that the Respondent was convicted of multiple misdemeanors and that Respondent misled the Department by failing to report these convictions, as required, on either his licensing application or his application for renewal of his insurance producer license. Furthermore, the evidence shows that Respondent's insurance producer license, after administrative proceedings, was denied in one state and revoked in two other states. The evidence shows that Respondent failed to notify the Department of these administrative proceedings as required by Nebraska law. Respondent's failure to disclose the convictions and to report the administrative hearings is indicative of Respondent's untrustworthiness and willingness to deceive the Department. This conduct is more than sufficient to justify revocation of Respondent's non-resident insurance producer license.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's Nebraska non-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 6th day of December, 2017.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Robert M. Bell
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. Mario A. Rodas (NAIC National Producer #17846930), Cause No. A-2091.

Dated this 6 day of December, 2017.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Bruce R. Ronge
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 business address, 2475 Village View Drive, Suite 200, Henderson, NV 89074, and Respondent's registered residence address, 716 Jacobs Ladder Pl., Las Vegas, NV 89138, via certified mail, return receipt requested and regular U.S. mail on this 6 day of December, 2017.

