

MAY 24 2018

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	FINDINGS OF FACT, CONCLUSIONS
)	OF LAW, RECOMMENDED ORDER AND
PETITIONER,)	ORDER
)	
VS.)	CAUSE NO. A-2099
)	
DICK WOLLMAN)	
(NAIC National Producer #7503745),)	
)	
RESPONDENT.)	

This matter came on for hearing on May 24, 2018, 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. Dick Wollman (“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 whose current registered business address and registered residence address

with the Department is 12655 Woodsdale Circle, Omaha, NE 68137-4335. Respondent's license will expire August 31, 2019. (See Ex. 2).

3. On or about April 17, 2018, the Petition and Notice of Hearing was served upon Respondent by mailing the same to his registered business and home address via certified mail return receipt requested, and via regular U.S. mail. (See Ex. 1).

4. On or about March 22, 2017, Respondent was indicted in the United States District Court for the District of Nebraska in Case #: 8:17-cr-0089 for violations of 18 U.S.C. § 2252A(a)(5)(B), Access With Intent to View Child Pornography, a felony. (See Ex. 3).

5. On or about April 22, 2017, Respondent was arraigned on the charges in the indictment in Paragraph 4 and pled not guilty. (See Ex. 3).

6. On or about July 17, 2017, Respondent submitted a renewal application for his resident insurance producer license and answered yes to Question 1b which asked, in part, if Respondent was currently charged with a felony. (See Ex. 2).

7. On or about October 17, 2017, Respondent entered into a plea agreement with the United States by pleading guilty to Count I of the indictment in Paragraph 4, a violation of 18 U.S.C. § 2252A(a)(5)(B), Access With Intent to View Child Pornography, a felony. (See Ex. 3).

8. On or about March 7, 2018, Respondent was sentenced by the United States District Court to seventy-two months of incarceration with the United States Bureau of Prisons, ten years of supervised release with specific conditions, and an assessment of one hundred dollars. Respondent's prison sentence was scheduled to begin May 7, 2018. (See Ex. 3).

9. Respondent did not report his criminal prosecution listed in Paragraph 4 within thirty days of arraignment listed in Paragraph 5. (See 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(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: (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; or (f) having been convicted of a felony or a Class I, II, or III misdemeanor.

4. Pursuant to Neb. Rev. Stat. § 44-4065(3), "[w]ithin thirty days of the date of arraignment or date of waiver of arraignment, if waived, an insurance producer shall report to the director any criminal prosecution of the producer taken in any jurisdiction."

5. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(b), 44-4059(1)(f) and 44-4065(3) 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 pled guilty to and was convicted in United States District Court of a felony, Access With Intent to View Child Pornography. He was

sentenced to six years in federal prison with an additional ten years of supervised release, provided he meets the conditions set forth by the United States District Court. According to the evidence presented, Respondent is currently incarcerated and will be for the pendency of his current license period.

Additionally, Respondent failed to report his criminal prosecution to the Department within thirty days of arraignment as required by law. Instead, he waited to inform the Department until he filed his license renewal, nearly three months after his arraignment, in clear violation of the law.

The uncontested evidence presented by the Department is more than sufficient to justify revocation of Respondent's resident insurance producer license.

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 24th day of May, 2018.

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. Dick Wollman (NAIC National Producer #7503745), Cause No. A-2099.

Dated this 24 day of May, 2018.

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 the Respondent by mailing a copy to Respondent's registered business address, 12655 Woodsdale Circle, Omaha, NE 68137-4335, via certified mail, return receipt requested and regular U.S. mail, and via electronic mail to his attorney of record, Clarence E. Mock, III at cmock@johnsonandmock.com on this 24 day of May, 2018.


