

JUN 07 2018

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-2100
	)	
CATHRINA JACOB	)	
(NAIC Producer #8508253),	)	
	)	
	)	
RESPONDENT.	)	

This matter came on for hearing on May 31, 2018, 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 attorney, Robert Harkins. Cathrina Jacob (“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 7735 Old Georgetown Road, Ste. 800, Bethesda, MD 20814-6161 and whose registered residence address with the Department is 4710 Bethesda Ave., #702, Bethesda, MD 20814. (See Ex. 2, Attachment 1).

3. On or about April 25, 2018, the Petition and Notice of Hearing were served upon Respondent by mailing the same to her registered business address, via certified mail return receipt requested, and to her registered residence address via regular U.S. mail. (See Ex. 1).

4. On or about May 11, 2018, the Petition and Notice of Hearing that was sent to Respondent's registered business address via certified mail was returned to the Department by the United States Postal Service ("USPS") and marked as "Return to Sender. Not deliverable as addressed." (See Ex. 1, Attachment 1).

5. On or about May 11, 2018, the Petition and Notice of Hearing that was sent to Respondent's registered residence address via certified mail was returned to the Department by USPS and marked as "Return to Sender. Not deliverable as addressed." (See Ex. 1, Attachment 2).

6. On or about July 31, 2017, Respondent's resident producer license issued by her home state of Maryland expired. (See Ex. 2, Attachment 2).

7. On or about December 26, 2017, Kevin Schlautman ("Schlautman"), Administrator of the Producer Licensing Division, sent a letter to Respondent at her registered home address via regular U.S. mail. On or about January 12, 2018, the letter was returned to the Department by the USPS marked "Return to Sender-No Such Street. Unable to forward." (See Ex. 2, Attachment 3&4).

8. On or about January 24, 2018, Gina Goodro ("Goodro"), employee in the Producer Licensing Division, sent an inquiry to Respondent at her registered business email address. Goodro received a response which stated Respondent was no longer employed at that company and was no longer employed in the insurance industry. (See Ex. 2, Attachment 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)(b), the director may suspend or revoke an insurance producer's license, or may levy an administrative fine for violating any insurance law or violating any rule, regulation, subpoena, or order of the director or of another state's insurance commissioner or director.

4. 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.

5. Pursuant to Neb. Rev. Stat. § 44-4059(1)(o), the director may suspend or revoke an insurance producer's license, or may levy an administrative fine for failing to maintain in good standing a license in the insurance producer's home state.

6. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(b), 44-4059(1)(h), and 44-4059(1)(o) as a result of the conduct set forth in paragraphs 6 through 8 of the Findings of Fact.

## DISCUSSION

The Department provided sufficient evidence to show that reasonable notice of these proceedings was provided to Respondent. The uncontested evidence shows that Respondent's resident producer license issued by her home state, Maryland, expired in July 2017. The Department attempted to contact Respondent via U.S. mail at the addresses registered with the Licensing Division


regarding her licensing status but did not receive a response. In addition, the Department contacted her at her registered email address and was informed by another employee that Respondent was no longer employed at that company and was no longer involved in the business of insurance. A non-resident licensee that fails to maintain a resident license in his/her home state is in violation of Neb. Rev. Stat. § 44-4059(1)(o). By failing to maintain her license in her home state, Respondent also demonstrated incompetence in the business of insurance and violated Neb. Rev. Stat. §§ 44-4059(1)(b) and 44-4059(1)(h).

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 7 day of June, 2018.

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. Cathrina Jacob (NAIC Producer #8508253), Cause No. A-2100.

Dated this 7 day of June, 2018.

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 business address at 7735 Old Georgetown Road, Ste. 800, Bethesda, MD 20814-6161 via certified mail, return receipt requested and registered residence address at 4710 Bethesda Ave., #702, Bethesda, MD 20814 via regular U.S. mail on this 7 day of June, 2018.

