

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-2103
)	
RAMONA HALL)	
(NAIC Producer #16356678),)	
)	
)	
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. Ramona Hall (“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 and residence address with the Department is 5561 E. 47th Place, Apt. 533, Tulsa, OK 74135-7287. (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 and residence address, via certified mail return receipt requested and via regular U.S. mail. (See Ex. 1).

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

5. On or about May 7, 2018, the Petition and Notice of Hearing that was sent to Respondent's registered business and residence address via regular US mail was returned to the Department by the USPS and marked as "Return to Sender. Attempted-Not Known. Unable to Forward." (See Ex. 1, Attachment 2).

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

7. On or about December 29, 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 17, 2018, the letter was returned to the Department by the USPS marked "Return to Sender. Attempted-Not Known. 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 email address. Goodro never received a response to that inquiry. (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, Oklahoma, expired in August 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 did not receive a response. 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



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. Ramona Hall (NAIC Producer #16356678), Cause No. A-2103.

Dated this 7 day of June, 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 and residence address at 5561 E. 47th Place, Apt. 533, Tulsa, OK, 74135-7287 via certified mail, return receipt requested and via regular U.S. mail on this 7 day of June, 2018.


