

OCT 03 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-2120
)	
JERELL YANCY)	
(NAIC National Producer #16944558),)	
)	
)	
RESPONDENT.)	

This matter came on for hearing on August 30, 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, Tracy Burns. Jerell Yancy ("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 14123 Denver West Parkway, Golden, CO 80401. Respondent's registered residence with the Department

is 10433 Garrison Street, Westminster, CO 80021. Respondent's registered email address with the Department is jerell.yancy@safeco.com. (See Ex. 2, Attachment 1).

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

4. On or about July 25, 2018, the Domestic Return Receipt attached to the Petition and Notice of Hearing mailed to Respondent's registered residence address was returned to the Department by the United States Postal Service confirming delivery. (See Ex. 1, Attachment 1)

5. To date, the letters sent to Respondent's residence address and business address via regular U.S. mail have not been returned to the Department, nor has the Department received notification that the letters were undeliverable. (See Ex. 1).

6. On or about February 1, 2018, Respondent's resident producer license issued by Respondent's home state of Colorado was cancelled. (See Ex. 2, Attachment 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)(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.

4. Respondent violated Neb. Rev. Stat. § 44-4059(1)(o) as a result of the conduct set forth in paragraph 6 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 Respondent's home state, Colorado, was cancelled in February 2018. 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).

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 21st day of September, 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. Jerell Yancy (NAIC National Producer #16944558), Cause No. A-2120.

Dated this 3 day of October, 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 residence address at 10433 Garrison Street, Westminster, CO 80021 via certified mail, return receipt requested and via regular U.S. mail and to Respondent's registered email address jerell.yancy@safeco.com on this 3 day of October, 2018.