

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-2121
)	
KATHARINE WHITFIELD)	
(NAIC National Producer #17769479),)	
)	
)	
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. Katharine Whitfield ("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 residence address with the Department is 181 South 1000 East, Provo, UT 84606. Respondent's registered business with the Department is 585

E 1860 S, Provo, UT 84606-7312. Respondent's previously registered email was katrina12891@gmail.com. (See Ex. 2, Attachment 1).

3. On or about July 19, 2018, the Petition and Notice of Hearing were served upon Respondent by mailing the same to her registered residence address, via certified mail return receipt requested, via regular U.S. mail, to her registered business address via regular U.S. mail, and to her previously registered email address. (See Ex. 1).

4. On or about August 13, 2018, the letter sent via regular U.S. mail to Respondent's registered business address was returned to the Department by the United States Postal Service ("USPS") stating "Return to Sender. Attempted – Not known. Unable to Forward." (See Ex. 1, Attachment 2).

5. On or about August 24, 2018, the USPS website indicated that the letter sent via certified mail to Respondent's registered residence was being returned to the Department as "Unclaimed/Being Returned to Sender." (See Ex. 1, Attachment 3).

6. To date, the letter sent to Respondent's residence address via regular mail has not been returned to the Department, nor has the Department received notification that the letter was undeliverable. (See Ex. 1).

7. On or about January 31, 2018, Respondent's resident producer license issued by Respondent's home state of Utah expired. (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 7 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, Utah, expired in January 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. Katharine Whitfield (NAIC National Producer #17769479), Cause No. A-2121.

Dated this 3 day of October, 2018.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Bruce R. Ramage
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 181 South 1000 East, Provo, UT 84606 via certified mail, return receipt requested and via regular U.S. mail and to Respondent's previously registered email address katrina12891@gmail.com on this 3 day of October, 2018.

