

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-2123
	)	
MICHAEL JOHN GABRYSZEWSKI	)	
(NAIC National Producer #17147933),	)	
	)	
	)	
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. Michael John Gabryszewski ("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 17200 Commerce Park Blvd., Tampa, FL 33647-2600. Respondent's registered residence with the

Department is 3813 Orangepointe Rd., Valrico, FL 33596-6933. Respondent's registered email address with the Department is [licensingusaa@usaa.com](mailto:licensingusaa@usaa.com). (See Ex. 2, Attachment 1).

3. On or about July 18, 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 August 20, 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 the United States Postal Service ("USPS") and marked as "Return to Sender. Unclaimed. Unable to forward." (See Ex. 1, Attachment 1)

5. To date, the letter sent to Respondent's business and residence addresses via regular 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 March 3, 2018, Respondent's resident producer license issued by Respondent's home state of Florida 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, Florida, was cancelled in March 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 21<sup>st</sup> 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. Michael John Gabryszewski (NAIC National Producer #17147933), Cause No. A-2123.

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 3813 Orangepointe Rd., Valrico, FL 33596-6933 via certified mail, return receipt requested and via regular U.S. mail and to Respondent's registered email address at [licensingusaa@usaa.com](mailto:licensingusaa@usaa.com) on this 3 day of October, 2018.

