

OCT 09 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-2129
	)	
DANIEL CHARLES DIAS,	)	
(NAIC National Producer #2628051),	)	
	)	
	)	
RESPONDENT.	)	

This matter came on for hearing on September 27, 2018, before Robert E. Harkins, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance (“Department”) was represented by its counsel, Tracy A. Burns. Daniel Charles Dias (“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 1435 Santa Diana Rd, Unit 8, Chula Vista, CA 91913-2747. (See Ex. 2, Attachment 1).

3. On or about August 23, 2018, the Petition and Notice of Hearing was served upon Respondent by mailing the same to his registered business and residence address, by certified mail return receipt requested, and via regular U.S. mail. (See Ex. 1).

4. On or about August 31, 2018, the Domestic Return Receipt attached to the certified letter mailed to Respondent's registered business and residence address, was returned to the Department confirming delivery (See Ex. 1, Attachment 1).

5. The Petition and Notice of Hearing sent to Respondent's registered business and residence address via regular U.S. mail has not been returned to the Department, nor has the Department received notification that the correspondence was undeliverable. (See Ex.1).

6. On or about May 15, 2018, the California Insurance Commissioner issued an Order of Immediate License Suspension (File No. SD201500588) against Respondent's home state insurance producer license, pursuant to Cal. Ins. Code §1748.5(e)(1). This action was taken after Respondent was charged, on or about May 15, 2018, with two felony and one misdemeanor count(s) of Theft of Funds by a Fiduciary in the Superior Court for San Diego County California. (See Ex. 2, Attachment 2).

7. On or about July 24, 2018, the State of Idaho revoked Respondent's non-resident insurance producer license as a result of California's action. (See Ex. 2, Attachment 3)

8. As of September 27, 2018, Respondent had failed to report the California and Idaho actions to the Department. (See Ex. 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)(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)(i), the director may suspend or revoke an insurance producer's license, or may levy an administrative fine for having an insurance license denied or revoked in any other state, province, district, or territory.
6. 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 resident license in the insurance producer's home state.
7. Pursuant to Neb. Rev. Stat. §44-4065(1), "an insurance producer shall report to the director any administrative action taken against the producer in another jurisdiction, by a professional self-regulatory organization such as the Financial Industry Regulatory Authority or a similar organization, or by another governmental agency within thirty days of the final disposition of the matter. This report shall include a copy of the order, consent to order, or other relevant legal documents."

8. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(b), 44-4059(1)(h), 44-4059(1)(i), 44-4059(1)(o), and 44-4065(1), as a result of the conduct set forth in paragraphs 6 through 8 of the Findings of Fact.

### DISCUSSION

The uncontested evidence shows that Respondent failed to report the administrative actions taken against his insurance producer licenses by the States of California and Idaho as required by Nebraska statutes. The evidence clearly establishes that Respondent's home state license (California) has been suspended and is thus no longer in good standing. No evidence was presented to demonstrate the California suspension has been lifted. The evidence also definitively established Respondent's Idaho producer's license has been revoked.

Respondent's failure to report these serious administrative actions to the Department is deeply disturbing, and clearly demonstrates a high level of dishonesty and untrustworthiness. One can safely conclude that based on Respondent's failure to respond to the serious allegations alleged by the Department, Respondent has no interest in retaining his Nebraska non-resident insurance producer license.

Based on the serious nature of the evidence presented, and considering the totality of the circumstances involved, revocation of Respondent's non-resident insurance producer license is appropriate in this case.

### 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 5<sup>th</sup> day of October, 2018.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE



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Robert E. Harkins  
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. Daniel Charles Dias (NAIC Producer #2628051), Cause No. A-2129.

Dated this 5<sup>th</sup> day of October, 2018.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE



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Bruce R. Ronge  
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, 1435 Santa Diana Rd, Unit 8, Chula Vista, CA 91913, via certified mail, return receipt requested and via regular U.S. mail on this 9 day of October, 2018.

