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NEBRASKA DEPARTMENT OF INSURANCE

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

STATE OF NEBRASKA)
DEPARTMENT OF INSURANCE,)
)
PETITIONER,)
)
VS.)
)
JOSEPH L. HURLEY,)
(NAIC National Producer #9851558), and)
)
JOE HURLEY INSURANCE & FINANCIAL)
SERVICES INC.,)
(NAIC National Producer #17689814),)
)
RESPONDENTS.)

CONSENT ORDER

CAUSE NO. A-2175

In order to resolve this matter, the Nebraska Department of Insurance (“Department”), by and through its attorney, Tracy A. Burns, and Joseph L. Hurley (“Hurley”) and Joe Hurley Insurance & Financial Services, Inc. (“Agency”), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondents pursuant to Neb. Rev. Stat. §§ 44-101.01 and 44-4047 et seq. (Reissue 2010).
2. Respondent Hurley was licensed as an insurance producer and the designated responsible licensed person for the Agency and was licensed as an agent under the laws of Nebraska at all times hereto.
3. Respondent Agency was licensed as an agency under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Joseph L. Hurley (NAIC National Producer #9851558) and Joe Hurley Insurance & Financial Services Inc. (NAIC National Producer #17689814), on February 1, 2019. A copy of the petition was served upon the Respondents at Respondents' registered business address by certified mail, return receipt requested, and Hurley's registered residence address by regular U.S. mail. On February 28, 2019, a copy of the amended petition was served upon the Respondents using Hurley's current residence address by certified mail, return receipt requested, and by regular U.S. mail.

2. Respondents violated Neb. Rev. Stat. §§ 44-1525(10), 44-1525(12), 44-4054(8), 44-4059(1)(b), 44-4059(1)(g), 44-4059(1)(h), and 44-4059(1)(l) (Reissue 2010) as follows:

- a. On or about March 3, 2018, the Department received a complaint stating that, while working at the Agency, Benjamin Donovan ("Donovan"), a non-licensed person, processed insurance quotes and submitted policies for autos, homeowner's, rental dwelling, business/contractor, personal articles and various other products offered by State Farm. Donovan accessed the computer system by using a licensed agent's sign-in credentials. Hurley terminated Donovan's employment with the Agency on February 13, 2018.
- b. On or about March 9, 2018, Jane Francis, former Department of Insurance Consumer Affairs Division Administrator, forwarded this complaint to State Farm's regulatory complaints division.
- c. On or about March 21, 2018, State Farm notified the Department that an investigation was opened and Hurley denied Donovan's allegations.
- d. On or about March 21, 2018, the Department received Hurley's denial of the allegations. Hurley stated that Donovan was terminated because of personnel matters. Hurley denied that Donovan had access to the system through a shared user name.
- e. On or about May 30, 2018, State Farm provided a follow-up to Department. In the follow-up, Hurley acknowledged that Donovan performed the actions of a licensed person and had access to the computer system via shared sign-in credentials.

f. On or about August 3, 2018, State Farm terminated Hurley's appointment as a licensed producer with State Farm.

g. On or about February 12, 2019, certified mail forwarded to Hurley's registered home address was returned to the Department marked return to sender, unable to forward.

3. Hurley was informed of his right to a public hearing. Hurley waives that right and enters into this Consent Order freely and voluntarily. Hurley understands and acknowledges that by waiving his right to a public hearing, he also waives his right to confrontation of witnesses, production of evidence, and judicial review.

CONCLUSIONS OF LAW

Respondents' conduct as alleged above constitutes violations of Neb. Rev. Stat. §§ 44-1525(10), 44-1525(12), 44-4054(8), 44-4059(1)(b), 44-4059(1)(g), 44-4059(1)(h), and 44-4059(1)(l) (Reissue 2010).

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed by Respondent, Joseph L. Hurley, that:

1. Respondent Hurley's insurance producer license shall be suspended for twelve (12) months beginning the date the Director of Insurance approves the Consent Order.
2. Respondent shall provide an updated residential address to the Nebraska Department of Insurance within fifteen (15) days after the Director of Insurance or his designee approves and signs this consent order.
3. Respondent shall complete an additional four hours of continuing education in ethics prior to renewing his insurance producer license.

In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing their signature below.

Tracy A. Burns

Tracy A. Burns, #25398
Attorney for Petitioner
1135 M Street, Suite 300
Lincoln, NE 68508
(402) 471-2201

May 13, 2019
Date

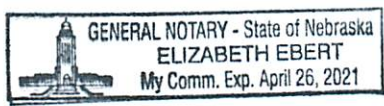
Joseph L. Hurley
Joseph L. Hurley
Respondent

5/9/19
Date

State of NE)
County of Douglas) ss.
)

On this 9th day of May, 2019, Joseph L. Hurley personally appeared before me and read this Consent Order, executed the same, and acknowledged the same to be his voluntary act and deed.

Elizabeth Ebert
Notary Public



CERTIFICATE OF ADOPTION

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance v. Joseph L. Hurley (NAIC National Producer #9851558) and Joe Hurley Insurance & Financial Services Inc., (NAIC National Producer #17689814), Cause No. A-2175.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

Bruce Range

Bruce Range
Director of Insurance

5-13-2019

Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Consent Order was served upon Respondents by mailing a copy to Respondent Joseph Hurley's registered residence address, 18611 Gold Circle, Omaha, NE, 68130 by certified mail, return receipt requested and via regular U.S. mail, on this 14 day of May, 2019.

Brandis Bauer