

DEC 21 2020

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA	)	
DEPARTMENT OF INSURANCE,	)	
	)	
PETITIONER,	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW,
	)	RECOMMENDED ORDER AND
	)	ORDER
vs.	)	
	)	CAUSE NO. A-2238
Daniel Ochoa,	)	
(NAIC National Producer #16953512),	)	
	)	
RESPONDENT.	)	

This matter came on for hearing on December 15, 2020, before Tracy A. Burns, 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, Michael Anderson. Daniel Ochoa (“Respondent”) was not present and was not represented by counsel. The proceedings were recorded by Shelly Storie, 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 mailing address with the Department is 3132 Garden Rock, El Paso, Texas 79938. (See Ex. 1, Attachment 1).

3. On or about November 6, 2020, the Petition and Notice of Hearing filed on November 6, 2020 was served upon Respondent by mailing the same to his registered mailing address, via certified mail, return receipt requested, and regular U.S. mail. (See Ex. 2).

4. On or about November 9, 2020, the Petition and Notice of Hearing mailed to Respondent's registered mailing address via certified mail was returned to the Department by the United States Postal Service marked as "Return to Sender. Not Deliverable as Addressed. Unable to Forward." (See Ex. 2, Attachment 1).

5. On or about December 7, 2020, a copy of the Petition and Notice of Hearing was mailed to Respondent's business address on file with the Department at 10921 Pellicano Dr., Ste. 124, El Paso, Texas 79935-4604. (See Ex. 2).

6. To date, the letters sent via regular U.S. mail to Respondent's mailing and business addresses on file with the Department have not been returned nor has the Department received notification that the letters were not deliverable. (See Ex. 2).

7. On or about July 7, 2020, Respondent's Texas resident producer license was revoked for engaging in fraudulent or dishonest acts or practices and failing to respond to a department inquiry. (See Ex. 1, Attachment 2).

8. On or about October 5, 2020, the Department learned that Respondent's resident producer license was revoked. A search of NAIC's Regulatory Information Retrieval System found a copy of the Texas administrative order and supporting documents revoking Respondent's license. (See Ex. 1, 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)(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)(i), the director may suspend or revoke an insurance producer's license, or may levy an administrative fine for having an insurance producer license, or its equivalent, denied, suspended, placed on probation, or revoked in Nebraska or in any other state, province, district, or territory.

5. 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 within thirty days of the final disposition of the matter.

6. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(b), 44-4059(1)(i) and 44-4065(1) as a result of the conduct set forth in paragraphs 7 and 8 of the Findings of Fact.

## DISCUSSION

The Department provided evidence of its attempt to provide the Respondent with notice of these proceedings by certified mail, return receipt requested and regular U.S. mail to Respondent's mailing address that is registered with the Department. Further, the Petition

and Notice of Hearing was mailed to Respondent's registered business address. As such, reasonable notice was provided to Respondent.

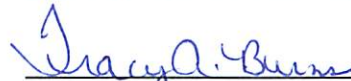
The evidence presented establishes Respondent's Texas resident producer license was revoked on July 7, 2020 after engaging in fraudulent or dishonest acts or practices and a failure to respond to a department inquiry. Respondent did not notify the Department within thirty days of the final disposition of the matter. Revocation of a producer license in another state and failure to notify the Department of the same warrants revocation of Respondent's Nebraska non-resident insurance producer's license.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's Nebraska non-resident insurance producer license (NAIC #16953512) be revoked, effective on the date this Order is approved and adopted by the Director of Insurance. 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 18<sup>th</sup> day of December, 2020.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE



Tracy A. Burns  
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 Ochoa (NAIC Producer #16953512), Cause No. A-2238.

Dated this 21 day of December, 2020.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE



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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 mailing address, 3132 Garden Rock, El Paso, Texas 79938 via certified mail, return receipt requested and via regular U.S. mail on this 21<sup>st</sup> day of December, 2020.

