

JUL 29 2021

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-2256
)	
BENJAMIN ROBERTSON,)	
(NAIC Producer #8009950),)	
)	
)	
RESPONDENT.)	

This matter came on for hearing on July 20, 2021, before Thomas C. Green II, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance (“Department”) appeared through its counsel, Michael W. Anderson. Benjamin Robertson (“Respondent”) did not appear and was not represented by counsel. The proceedings were recorded by Shelly Storie, a licensed Notary Public. The Department offered Exhibits 1 through 3 at the hearing, which were received without objection. The Respondent did not offer any exhibits. After the conclusion of evidence, 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. Respondent’s registered mailing address with the Department is 3717 N Lighthouse Hill Lane, Fort Worth, Texas 76179. (Ex. 2).

3. On or about May 21, 2021, the Petition and Notice of Hearing were served upon Respondent by mailing the same to his registered address, by certified mail, return receipt requested, and via regular U.S. mail. (Ex. 3)

4. On or about May 28, 2021, the Domestic Return Receipt attached to the Petition and Notice of Hearing mailed to Respondent's registered address was returned to the Department by the United States Postal Service ("USPS") evidencing delivery. (Ex.3, Attachment 1)

5. On or about February 23, 2021, Respondent was terminated from The Chesapeake Life Insurance Company ("Chesapeake") for cause. (Ex. 1, Attachment 1)

6. On March 3, 2021, in response to an inquiry from the Department, Chesapeake's compliance investigation unit notified the Department that the Respondent's termination was due to a "substantiated allegation of forgery." Documentation supporting wrongdoing on the part of the Respondent included the following:

a. Respondent utilized an application named "Text Now" for the purposes of creating a telephone numbers that subsequently used for applicants on applications that he submitted. In particular, he wrote 42 applications that included eleven different Text Now numbers. On two separate occasions, Respondent wrote two applications for the same client, using a Text Now number on one application, while using applicant's actual phone number on the other application. The majority of these applications were electronically signed in Texas (Fort Worth), where the Respondent resides, despite the fact that the majority of the applicants actually reside in a completely different state.

b. Respondent submitted applications with an email address that does not belong to the applicant; the email address that Respondent included on the applications actually belonged to a former employee of the Respondent. As with the applications discussed in the

preceding paragraph, these applications indicated that they were electronically signed in Fort Worth, despite the fact that the applicants lived elsewhere.

c. Several other applications were submitted as being both completed and signed “In Person”, despite the fact that IP address data indicated that the applicants were neither enrolled, nor did they sign the application in person. Respondent subsequently admitted that he routinely selected the “In Person” option on submitted applications because he did not think location mattered if applicants signed the application using DocuSign. (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)(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)(j), the director may suspend or revoke an insurance producer's license, or may levy an administrative fine if a producer forges another's name to an application for insurance or to any document related to an insurance transaction.

6. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(b), 44-4059(1)(h), and 44-4059(1)(j) as a result of the conduct set forth in paragraph 6 of the Findings of Fact.

DISCUSSION

The uncontested evidence shows that Respondent submitted applications for insurance in which he intentionally included false information. Further, Respondent even went so far as utilize a software application to create artificial telephone numbers for usage when completing the submitted applications. Respondent also routinely indicated the applications were completed and signed in person, despite: a) the applicants often lived nowhere near the Respondent; and b) IP address data indicated that they were signed elsewhere. Respondent also admitted to Chesapeake's investigator that he regularly indicated that applications were completed and signed in person, even when Respondent knew that was not the case. Respondent's actions were committed flagrantly and in conscious disregard of Nebraska law; those actions demonstrate a high level of dishonest and untrustworthy conduct incompatible with the high ethical and moral standards required of an insurance producer.

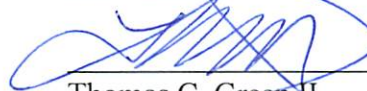
Based on the serious nature of the evidence presented, combined with consideration of the totality of the circumstances involved, revocation of Respondent's non-resident insurance producer license is appropriate.

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 29th day of July, 2021.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Thomas C. Green II
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. Benjamin Robertson (NAIC Producer #8009950), Cause No. A-2256.

Dated this 29th day of July, 2021.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Eric Dunning
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 were provided to the Respondent at the Respondent's registered address, 3717 N Lighthouse Hill Lane, Fort Worth, Texas 76179, via regular U.S. mail on this 29th day of July, 2021.

Shelly Storie