

JUL 22 2021

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	FINDINGS OF FACT, CONCLUSIONS
DEPARTMENT OF INSURANCE,)	OF LAW, RECOMMENDED ORDER
)	AND ORDER
PETITIONER,)	
)	
VS.)	CAUSE NO. A-2262
)	
DIANNE-LYNN MCLESTER-HEIM,)	
(NAIC Producer #19663384),)	
)	
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. Dianne-Lynn McLester-Heim (“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 and 2 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 and regulating insurance producers.
2. Respondent is a licensed non-resident insurance producer. Respondent’s registered mailing address with the Department is N8258 Cooper Road, Oneida, Wisconsin 54155. (Ex. 1).

3. On or about June 3, 2021, the Petition and Notice of Hearing was served upon Respondent by mailing the same to her registered address, by certified mail, return receipt requested, and via regular U.S. mail. (Ex. 2)

4. On or about June 21, 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 service on Respondent on June 17, 2021. (Ex.2, Attachment 1)

5. On or about May 28, 2021, Respondent's insurance license in her home state of Wisconsin was revoked due to a guilty adjudication for the crime of theft of government property valued at \$12,509.59. (Ex. 1, Attachment 4)

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)(i), the director may suspend or revoke an insurance producer's license or may levy an administrative fine for having an insurance producer license denied, suspended, placed on probation or revoked in Nebraska or any other state.

4. 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 the failure of the insurance producer to maintain in good standing a resident license in the insurance producer's home state.

5. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(i) and 44-4059(1)(o) for the reasons set forth in paragraph 5 of the Findings of Fact.

DISCUSSION

The uncontested evidence shows that Respondent was charged with theft of government property valued at \$12,509.19. Respondent subsequently plead guilty to the charge, leading to a guilty adjudication by the court. As a result of this criminal finding, the state of Wisconsin revoked the producer's license that it had previously issued to her, leaving the Respondent without licensure in her home state. Both the Respondent's criminal conviction and the Respondent's failure to maintain an insurance producer's license in her home state are satisfactory grounds to revoke an insurance producer's license in Nebraska. A revocation of Respondent's Nebraska insurance producer's license is justified and 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 22nd day of July, 2021.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



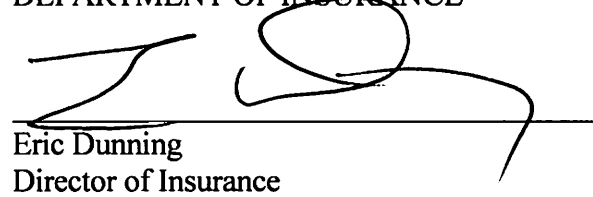
Thomas C. Green II, #21001
Hearing Officer

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. Dianne-Lynn McLester-Heim (NAIC Producer #19663384) , Cause No. A-2262.

Dated this 22nd 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 mailing address, N8258 Cooper Road, Oneida, Wisconsin 54155, via regular U.S. mail on this 22nd day of July, 2021.

Shelley Stone