

FEB 09 2022

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA	)	
DEPARTMENT OF INSURANCE,	)	
	)	FINDINGS OF FACT,
PETITIONER,	)	CONCLUSIONS OF LAW,
	)	RECOMMENDED ORDER AND
	)	ORDER
VS.	)	
	)	CAUSE NO. A-2279
ROBERT SCHMIDT,	)	
(NAIC Producer #17391908),	)	
	)	
	)	
RESPONDENT.	)	

This matter came on for hearing on February 9, 2022, before Seth J. Felton, 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, Michael W. Anderson. Robert Schmidt ("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 registered business and residence addresses with the Department are, respectively, 8010 Chickasaw Lane, Port Richey, Florida, 34668-7016, and 17200 Commerce Park Boulevard, Tampa, Florida, 33647. (See Ex. 1, Attachment 1).

3. On or about September 10, 2021, the Department received a termination for cause notice from USAA concerning Respondent. The Department then reviewed Respondent's licensing records, which indicated that he had surrendered his resident license in Florida, and that his Florida license had been moved to inactive status. (See Ex. 1 and attachments thereto).

4. On or about October 26, 2021, the Petition and Notice of Hearing was served upon Respondent's registered business and residence address via certified mail, return receipt requested, and via regular U.S. mail. (See Ex. 2).

5. On or about November 2, 2021, the Department received the Domestic Return Receipt Cards showing that Respondent received and signed for delivery of the Petition and Notice of Hearing sent to Respondent's registered business and residence addresses. (See Ex. 2 and attachments thereto).

6. As of February 4, 2022, the Respondent's Florida license remains inactive, and Respondent has not obtained a new resident license in Florida or any other state. (See Ex. 1).

#### 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)(o), the Director may, in his discretion, revoke an insurance producer's license if it is found that the producer has failed to maintain in good standing a resident license in the insurance producer's home state.

4. Respondent violated Neb. Rev. Stat. § 44-4059(1)(o) as a result of the conduct found in paragraph 3 and 6 in the Findings of Fact and as evidenced by the exhibits received.

DISCUSSION

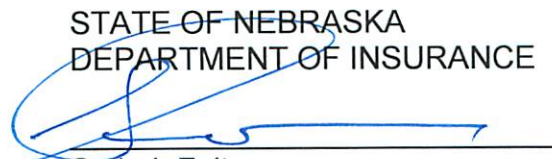
The uncontested evidence shows that Respondent, a resident of the state of Florida, voluntarily surrendered his Florida insurance producer's license on or about October 26, 2021. The evidence also shows that Respondent's Florida license remained inactive as of February 4, 2022, and that Respondent has not obtained a new license in any other state. Respondent has failed to maintain in good standing a resident insurance license in his home state, directly violating the requirement outlined in Neb. Rev. Stat. § 44-4059(1)(o).

Failing to comply with the requirements of Neb. Rev. Stat. § 44-4059(1)(o) makes revocation of Respondent's Nebraska non-resident insurance producer's license entirely appropriate in this case.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's non-resident 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 orders as may be necessary.

Dated this 9<sup>th</sup> day of February, 2022.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE  
  
Seth J. Felton  
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. Robert Schmidt (NAIC Producer #17391908), Cause No. A-2279.

Dated this 9<sup>th</sup> day of February, 2022.

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 was served upon the Respondent by mailing a copy to Respondent's registered business and home addresses, 8010 Chickasaw Lane, Port Richey, Florida, 34668-7016, and 17200 Commerce Park Boulevard, Tampa, Florida, 33647, via certified mail, return receipt requested and via regular U.S. mail on this 9<sup>th</sup> day of February, 2022.

