

MAY 25 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-2286
TREYVON FENCEROY,)	
(NAIC Producer #19999826))	
)	
)	
)	
RESPONDENT.)	

This matter came on for hearing on April 12, 2022, before Megan VanAusdall, 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. Treyvon Fenceroy ("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 currently holds a resident insurance producer's license in the State of Nebraska. Respondent's registered business and mailing addresses with the Department are 3516 N 47th Avenue, Omaha, Nebraska 68104 and 1000 S Main Street, Apartment 306, Council Bluffs, Iowa 51503, respectively. (See Ex. 1, Attachment 1).

3. On July 26, 2021, Respondent submitted a Nebraska license application indicating that he lived in Council Bluffs, Iowa. (See Ex. 1, Attachment 2)

4. A licensing representative from Petitioner's Office contacted Respondent to let him know that, as resident of Iowa, he would need to get a resident license in Iowa. (See Ex. 1, Attachment 3)

5. On August 18, 2021, Respondent contacted Petitioner's Office and represented that he would "only be working and transacting insurance business in the state of Nebraska". (See Ex. 1, Attachment 3) Based on this representation, Respondent's resident license in Nebraska was granted that same day.

6. Mr. Schlautman's affidavit establishes that on October 12, 2021 a follow-up review discovered that Respondent had subsequently obtained several non-resident licenses, including in his home state of Iowa. (See Ex. 1)

7. On October 12, 2021, a letter was sent to the mailing address on file for the Respondent instructing him to obtain a resident license in Iowa. (See Ex. 1, Attachment 4)

8. On November 2, 2021, a letter conveying the same information was sent to the business address on file for the Respondent. (See Ex. 1, Attachment 5)

9. Mr. Schlautman's affidavit establishes that the the November 2 letter was returned to Petitioner's Office along with a forwarding address of 4803 Boyd Street, Apartment 202, Omaha, Nebraska, 68104. (See Ex. 1)

10. On November 30, 2021, an additional letter was sent to the forwarding address of the Respondent informing him of the need to obtain a resident license in Iowa. (See Ex. 1, Attachment 6)

11. Mr. Schlautman's affidavit also establishes that the Respondent had not replied to any contact attempt from Petitioner's office. (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. § 44-4908(1), the Director may levy an administrative fine against an insurance producer's license if it is found that the producer has violated any insurance law.

4. Respondent violated Neb. Rev. Stat. § 44-4059(1)(a) and (c) as a result of the conduct found in paragraphs 3-5 in the Findings of Fact and as evidenced by the relevant exhibits received.

5. Respondent violated Neb. Rev. Stat. § 44-4059(1)(g) as a result of the conduct found in paragraphs 6-11 in the Findings of Fact and as evidenced by the relevant exhibits received.

DISCUSSION

At the hearing, the Department presented sufficient evidence of proper service of notice of these proceedings upon Respondent. The Department served Respondent via certified mail, return receipt requested and regular U.S. mail to the Respondent's registered addresses. The Department also provided a Domestic Return Receipt for the notice filings, which confirm delivery to the Respondent. Based upon the evidence of record, the Department's service of the petition and notice of hearing upon Respondent at his business

and mailing addresses was sufficient and jurisdiction over the actions of the Respondent in this matter has been established.

The uncontested evidence shows that Respondent provided misleading information through his application process and subsequently failed to respond to Department inquiries regarding his state of residence.

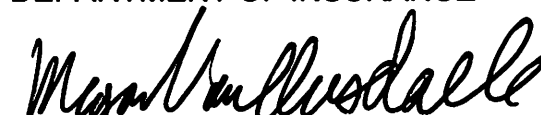
These actions constitute a violation of Neb. Rev. Stat. § 44-4059(1)(a), (c), and (g).

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent be assessed an administrative penalty of \$1,000, and that such penalty shall be paid by the Respondent within 60 days of the adoption of this order. Should Respondent fail to pay the administrative penalty, Respondent's insurance producer's license shall be suspended until such a time as the penalty is paid. 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 25th day of May, 2022.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE




Megan VanAusdall
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. Treyvon Fenceroy (NAIC Producer #19999826), Cause No. A-2286.

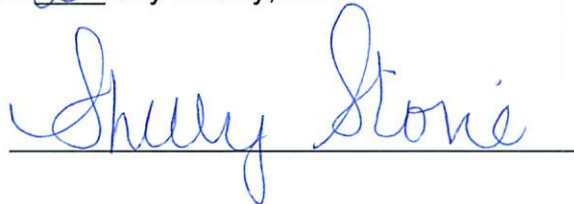
Dated this 25th day of May, 2022.

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 addresses, 3516 N 47th Avenue, Omaha, Nebraska 68104 and 1000 S Main Street, Apartment 306, Council Bluffs, Iowa 51503, and to his forwarding address of 4803 Boyd Street, Apartment 202, Omaha, Nebraska, 68104, via certified mail, return receipt requested and via regular U.S. mail on this 25th day of May, 2022.


Sherry Stone