

AUG 17 2022

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-2297
)	
ANGEL GARZA,)	
(NAIC Producer #20099887),)	
)	
)	
RESPONDENT.)	

This matter came on for hearing on July 19, 2022, before Megan VanAusdall, 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. Angel Garza (“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 insurance producers.
2. Respondent is a licensed resident insurance producer. Respondent’s registered business and mailing addresses with the Nebraska Department of Insurance are, respectively, 9800 Fredericksburg Road, San Antonio, Texas 78288 and 317 Taft Boulevard, San Antonio, Texas 78225. (Ex. 1, Attachment 1)
3. On or about May 19, 2022, a Petition and Notice of Hearing were served upon Respondent by mailing the same to both her registered mailing addresses listed above, by certified

mail, return receipt requested. These documents were also sent to the Respondent via regular U.S. mail. (Ex. 2)

4. On or about May 31, 2022, the Domestic Return Receipt (“Receipt”) attached to the Petition and Notice of Hearing mailed to 9800 Fredericksburg Rd., San Antonio, Texas 78288 was returned to the Department by the United States Postal Service (“USPS”). The USPS tracking history stated the following: “[y]our item was picked up at a postal facility at 7:42 a.m. on May 24, 2022, in SAN ANTONIO, TX 78251.” (Ex. 2, Attachment 1)

5. To date, the letter sent via regular U.S. mail has not been returned to the Department by the USPS, nor has the Department received notification that the letters was undeliverable. (Exhibit 2)

6. On or about March 1, 2022, the Department was notified that Respondent’s appointment with United Services Automobile Association Insurance Company (“USAA”) was terminated for cause. The termination was due to Respondent failing to disclose a 2008 criminal history event on her licensing application with the company. (Ex. 1, Attachment 2)

7. USAA also provided a response from the Respondent dated November 22, 2021, which provided details of a 2008 charge of the Class A Misdemeanor of Theft \$500 to \$1500, to which the Respondent entered a plea of Nolo Contendere on September 5, 2008.

8. On or about October 14, 2021, Respondent submitted a Nebraska license application to the Department, on which they responded “no” to the following question:

i. “Have you ever been convicted of a misdemeanor, had a judgement *deferred*, or are you currently charged with committing a misdemeanor?” [Emphasis Added] (Ex 1, Attachment 4)

9. On March 8, 2022, the Department sent a letter to Respondent through certified mail, requesting that she submit a response to the allegations. On April 1, 2022, a follow-up letter was mailed to Respondent’s address, again requesting a response.

10. Respondent did not reply to any of these contact attempts from the Department.

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)(g), the director may suspend or revoke an insurance producer's license or may levy an administrative fine for having admitted or been found to have committed any insurance unfair trade practice, any unfair claims settlement practice, or fraud.
5. Pursuant to Neb. Rev. Stat. §44-1525(11), the director may suspend or revoke an insurance producer's license or may levy an administrative fine for having admitted or been found to have failed, upon the receipt of a written inquiry from the department to respond to such inquiry or request additional reasonable time to respond, within fifteen working days.
9. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(b), 44-4059(1)(g), and 44-1525(11) as a result of the conduct set forth in paragraphs 6 through 10 of the Findings of Fact.

DISCUSSION

The uncontested evidence shows that Respondent knowingly provided false information on their application to the Department for a producer's license. Respondent marked "no" to the question asking "have you ever been convicted of a misdemeanor, had a judgment deferred, or are you currently being charged with a misdemeanor " despite the fact that Respondent had entered a *nolo contendere* plea. In fact, the Respondent later first found employment with an insurance company, then was terminated from that employment when the company, USAA, conducted a background check on Respondent and subsequently found evidence of her criminal history. Respondent made a conscious choice to lie on the application, and this falsehood was made deliberately, flagrantly and in

conscious disregard of Nebraska law. Respondent's actions demonstrate a level of dishonest and untrustworthy conduct incompatible with the high ethical and moral standards required of an insurance producer.

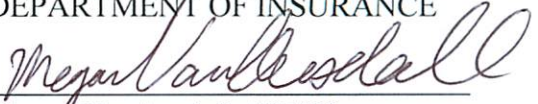
Based on the serious nature of the evidence presented, revocation of Respondent's non-resident insurance producer license is appropriate in this case.

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 17th day of August, 2022.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

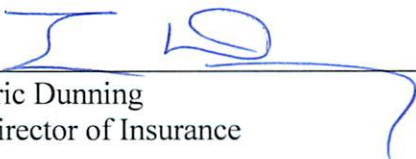

Megan VanAusdall, #27433
Hearing Officer

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. Angel Garza (NAIC Producer #20099887), Cause No. A-2297.

Dated this 17th day of August, 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 were provided to the Respondent at the Respondent's registered business and mailing addresses with the Nebraska Department of Insurance which are, respectively, 9800 Fredericksburg Road, San Antonio, Texas 78288 and 317 Taft Boulevard, San Antonio, Texas 78225, via regular U.S. mail on this 17th day of August, 2022.