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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.	)	
	)	
Linda S. Gammel	)	CAUSE NO. A-2300
(NAIC Producer #2254256),	)	
	)	
RESPONDENT.	)	

This matter came on for hearing on September 27, 2022, before Megan VanAusdall, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. This matter was first set for hearing on September 20, 2022, however upon the timely filing by the Petitioner, and granting of a motion for hearing by the appointed hearing officer on August 5, 2022 (with no objection from the Respondent after proper notice was carried out), the hearing was re-scheduled to September 27, 2022. At this hearing, the Nebraska Department of Insurance (“Department”) appeared through its counsel, Michael W. Anderson. Linda S. Gammel (“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 currently holds an inactive resident insurance producer license. Respondent’s registered business and mailing addresses with the Nebraska Department of Insurance are,

respectively, 14210 Arbor Street, Suite E, Omaha, Nebraska 68144 and 17511 Adams Street, Omaha, Nebraska 68135-3214. (Ex 1, Attachment 1)

3. On or about August 2, 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 August 8, 2022, the Domestic Return Receipt card and letter addressed to 17511 Adams Street, Omaha, Nebraska 68135-3214, was returned by the United States Postal Service (“USPS”) marked as “RETURN TO SENDER, NOT DELIVERABLE AS ADDRESSED, UNABLE TO FORWARD”. (Ex. 2, Attachment 1)

5. On or about August 15, 2022, the Domestic Return Receipt card, addressed to 14210 Arbor Street, Suite E, Omaha, Nebraska 68144, via certified mail, was returned by the USPS marked as “RETURN TO SENDER, UNCLAIMED, UNABLE TO FORWARD”. The letter sent via regular US mail was returned marked, “RETURN TO SENDER, NOT DELIVERABLE AS ADDRESSED, UNABLE TO FORWARD”. (Ex. 2, Attachment 2)

6. On or about August 5, 2022, a Motion for Continuance and an Order Granting Motion for Continuance was sent to the Respondents business and mailing addresses of 14210 Arbor Street, Suite E, Omaha, Nebraska 68144 and 17511 Adams Street, Omaha, Nebraska 68135-3214. The letters sent via regular US mail were returned by the USPS marked, “RETURN TO SENDER, ATTEMPTED – NOT KNOWN, UNABLE TO FORWARD, AND RETURN TO SENDER, NOT DELIVERABLE AS ADDRESSED, UNABLE TO FORWARD.” The letters sent certified mail were returned marked, RETURN TO SENDER, UNABLE TO FORWARD, UNABLE TO FORWARD, RETURN TO SENDER and RETURN TO SENDER, NOT DELIVERABLE AS ADDRESSED, UNABLE TO FORWARD”. (Ex. 2, Attachment 3)

7. Upon a review of Respondent’s licensing status stemming from a wider review of the Department’s licensing records, it was discovered that Respondent pled no contest on October 29,

2021 to a charge of Attempted Insurance Fraud, regarding a loss amount of between \$1,500 and \$5,000, a class I misdemeanor, in the District Court of Douglas County, Nebraska. (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)(f), the director may suspend or revoke an insurance producer's license or may levy an administrative fine for having been convicted of a felony, or a Class I, II, or III misdemeanor.

5. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(b) and (f) as a result of the conduct set forth in the Findings of Fact.

### DISCUSSION

The uncontested evidence shows that Respondent pled guilty to one count of Attempted Insurance Fraud (Regarding a Loss Amount of between \$1,500 and \$5,000), a Class I misdemeanor. Respondent's conviction for attempted insurance fraud demonstrates a level of dishonest and untrustworthy conduct incompatible with the high ethical and moral standards required of an insurance producer.

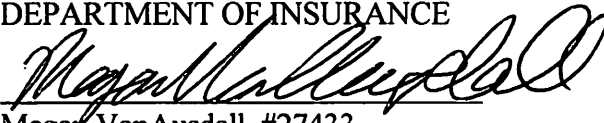
Based on the serious nature of the evidence presented, revocation of Respondent's inactive resident insurance producer license is appropriate in this case.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's Nebraska inactive 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 1<sup>st</sup> day of November, 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. Linda S. Gammel (NAIC Producer #2254256), Cause No. A-2300.

Dated this 1<sup>st</sup> day of November, 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 Respondent by mailing a copy to Respondent's registered business and mailing addresses at 14210 Arbor Street, Suite E, Omaha, Nebraska 68144 and 17511 Adams Street, Omaha, Nebraska 68135-3214, by certified mail, return receipt requested, and by regular U.S. mail, on this 1<sup>st</sup> day of November, 2022.

Shelly Stone