

JAN 31 2023

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-2304
)	
MOHAMED ELGENDY,)	
(NAIC Producer #18132518),)	
)	
)	
RESPONDENT.)	

This matter came on for hearing on January 10, 2023, 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. Mohamed Elgendy (“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, 2, and 3 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 non-resident insurance producer. Respondent’s registered mailing address with the Department is 2320 N Houston Street, Apt 1302, Dallas, Texas 75219. (Ex. 2, Attachment 1).

3. On or about October 21, 2022, a Petition and Notice of Hearing were served upon Respondent by mailing the same to his registered mailing address, as well as an alternate address of 5331 Mockingbird Lane, Apt 430, Dallas, Texas 75026, by certified mail, return receipt requested, and via regular U.S. mail. (Ex. 3).

4. On November 14, 2022, the letter addressed to 2320 N Houston Street, Apt 1302, Dallas, Texas 75219 was returned by the United States Postal Service (“USPS”). The letter, sent by regular mail, was marked as “RETURN TO SENDER, NOT DELIVERABLE AS ADDRESSED, UNABLE TO FORWARD.” (Ex. 3, Attachment 1).

5. On November 14, 2022, the letter addressed to 2320 N Houston Street, Apt 1302, Dallas, Texas 75219 was returned by the United States Postal Service (“USPS”). The letter, sent by certified mail, was marked as “RETURN TO SENDER, NOT DELIVERABLE AS ADDRESSED, UNABLE TO FORWARD.” (Ex. 3, Attachment 2).

6. On December 3, 2022, the letter addressed to 5331 Mockingbird Lane, Apt 430, Dallas, Texas 75026 was returned by the United States Postal Service (“USPS”). The letter, sent by regular mail, was marked as “RETURN TO SENDER, ATTEMPTED – NOT KNOWN, UNABLE TO FORWARD.” (Ex. 3, Attachment 3).

7. On December 8, 2022, the letter addressed to 5331 Mockingbird Lane, Apt 430, Dallas, Texas 75026 was returned by the United States Postal Service (“USPS”). The letter, sent by certified mail, was marked as “RETURN TO SENDER, ATTEMPTED – NOT KNOWN, UNABLE TO FORWARD.” (Ex. 3, Attachment 4).

8. On March 3, 2022, the Department received a consumer complaint concerning the Respondent. This complaint was filed not by the insured, but by the insured’s power of attorney, as the insured had been diagnosed with dementia. The complaint alleged the insured, because of her diagnosis, had been sold multiple and superfluous Medicare supplement policies. The sales of these policies were tied to Respondent’s National Producer Number (“NPN”). (Ex. 1, Attachment 1).

9. On April 21, 2022, the Department sent a letter via email to licensing@teamsalessupport.com requesting that Respondent provide a response to the complaint. (Ex. 1, Attachment 2).

10. On June 1, 2022, the Department sent a letter via certified mail to the Respondent at his registered address at 2320 N Houston Street, Apt 1302, Dallas, Texas 75219, repeating the request for a response to the complaint. (Ex. 1, Attachment 3).

11. On June 13, 2022, the letter sent via certified mail on June 1 was returned to the Department, marked “RETURN TO SENDER, NOT DELIVERABLE AS ADDRESSED, UNABLE TO FORWARD.” (Ex. 1, Attachment 4).

12. On June 22, 2022, the Department sent a second letter, also via certified mail, to the Respondent at his alternate address of 5331 Mockingbird Lane, Apt 430, Dallas, Texas 75026, again requesting a response to the complaint. (Ex. 1, Attachment 5)

13. On July 19, 2022, the letter sent via certified mail on June 22 was returned to the Department, marked “RETURN TO SENDER, NOT DELIVERABLE AS ADDRESSED, UNABLE TO FORWARD.” (Ex. 1, Attachment 6).

14. Upon a search of the Department’s licensing records, it was found that Respondent’s license in his resident state of Texas had been marked ‘inactive,’ as of October 21, 2022. (Exhibit 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. and 44-4047 to 44-4067.

2. The Department has personal jurisdiction over Respondent.

3. Pursuant to Neb. Rev. Stat. § 44-4059(1), the Director of Insurance may suspend, revoke or refuse to issue or renew an insurance producer’s license or may levy an administrative fine . . . for any one or more of the following causes: . . . (g) having admitted or been found to have committed any insurance unfair trade practice, any unfair claims settlement practice, or fraud; . . . (o) Failing to maintain in good standing a resident license in the insurance producer's home state.

4. Pursuant to Neb. Rev. Stat. § 44-1524 (1), it shall be an unfair trade practice in the business of insurance for any insurer “to commit any act or practice defined in section 44-1525 if the act or practice is committed flagrantly and in conscious disregard of the Unfair Insurance Trade Practices Act or any rule or regulation adopted pursuant to the act.”

5. Pursuant to Neb. Rev. Stat. § 44-1525 (11), it shall be unfair trade practice in the business of insurance if any insurer if they engage in the “[f]ailing of any insurer, upon receipt of a written inquiry from the department, to respond to such inquiry or request additional reasonable time to respond within fifteen working days.”

6. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(g), and (o), 44-1524(1), and 44-1525(11), as a result of the conduct set forth in the Findings of Fact.

DISCUSSION

The uncontested evidence shows that Respondent's insurance producer license is marked as 'inactive' in his resident state. As Respondent has not renewed or activated his resident license in his home state of Texas, or in any other state, he is in violation of §44-4059(1)(o). Respondent's failure to respond to the Department's letters, appear at the scheduled hearing, or even contact the Department before the hearing date, indicates a lack of concern for compliance with Nebraska regulations which justifies decisive action.

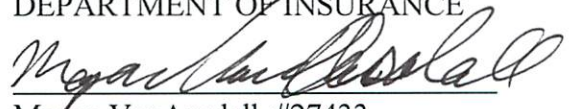
A revocation of Respondent's non-resident insurance producer license is appropriate in this case.

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 30th day of January, 2023.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



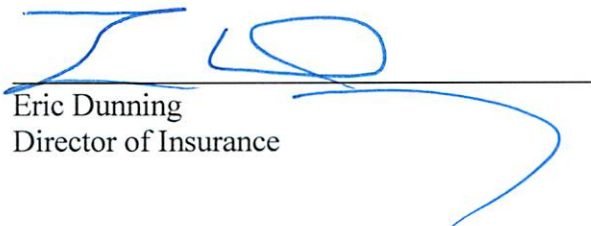
Megan VanAusdall, #27433
Hearing Officer

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. Mohamed Elgendy (NAIC Producer #18132518), Cause No. A-2304.

Dated this 31st day of January, 2023.

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 address, 2320 N Houston Street, Apt 1302, Dallas, Texas 75219, as well as 5331 Mockingbird Lane, Apt 430, Dallas, Texas 75026, via regular U.S. mail on this 31st day of January, 2023.

Shelly Strain