

FEB 06 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-2309
)	
TROY SPECKMANN,)	
(NAIC Producer #10255905))	
)	
)	
RESPONDENT.)	

This matter came on for hearing on January 24, 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 Anderson. Troy Speckmann (“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 residential address with the Department is 1225 N 113th Plaza, Apt 4914, Omaha, Nebraska 68154. Respondent’s registered business address with the Department is 3301 Dodge St, Omaha, Nebraska 68131. (See Ex. 2, Attachment 1).

3. On or about November 10, 2022, Petitioner received notice from Mutual of Omaha Insurance Company (“Mutual of Omaha”) that it had terminated Respondent’s agent appointments, effective September 1, 2022. (See Ex. 1, Attachment 1)

4. Mutual of Omaha conducted an internal investigation which revealed that, on or about August 25, 2022, Respondent submitted a guaranteed whole life insurance policy application to enroll a consumer in a Mutual of Omaha healthcare plan, but the voice authorization and signature portion of the application was completed by the Respondent, not the insured person. These findings were substantiated by review of a recorded call between the potential policyholder and the Respondent. (See Ex. 1, Attachments 2 & 3)

5. On or about November 16, 2022, a letter was sent by U.S. mail to Respondent’s registered business address, and e-mailed to his registered e-mail address, requesting that he provide a response to Petitioner’s office regarding Mutual of Omaha’s findings. (See Ex. 1, Attachment 4)

6. On or about November 18, 2022, the Department received the Respondent’s response to the November 16, 2022 letter. In his reply, the Respondent stated the following:

“My response to the situation [i.e., the letter sent from the Department on November 16, 2022, requesting Mr. Speckmann provide a response to Mutual of Omaha’s investigation leading to the termination of his employment]: The customer gave me consent [to enroll the customer in a life insurance policy] along with his daughter on speaker phone, but they needed to answer the door or something and said they had to call me back. Since I received consent on several occasions from the insured, I told them I would call back to confirm completion of the application. I was under the impression that enough was done during this process, and the application was finished. Later that day or

the next day, I called the customer back to confirm completion to find the customer had changed their mind and wanted to cancel, so I transferred the customer to my customer service team per their wishes. So, technically the application was not written and therefore was not a forgery.”

(See Ex. 1, Attachment 5)

7. The investigative report generated by Mutual of Omaha, to support and explain their termination of Respondent’s employment with the insurer, stated that their Financial Crimes and Compliance Division (hereafter “FC&C”) were able to view Respondent’s computer screen activities during the time forgery was alleged by the Respondent, as well as reviewing the recorded call between Respondent and the customer and his daughter. FC&C reported that Respondent informed the customer a “voice signature” would be needed to complete customer’s application for life insurance during the call, then, before the voice signature was captured, customer’s daughter ended the call abruptly. Although the customer’s daughter had ended the call, FC&C reported that Respondent stayed on the phone for two additional minutes, and during that time, Respondent “[...]completed the voice signature portion of the application by clicking required boxes and clicked additional required boxes so that the application would be submitted. After he submitted the application, the recording ended.” (See 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)(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.

4. Pursuant to Neb. Rev. Stat. § 44-4059(1)(h), the director may suspend or revoke an insurance producer's license or may levy an administrative fine for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere.

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

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 address. The Department also provided a Domestic Return Receipt for the notice filings, which, along with the tracking information also provided, 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 its mailing address was sufficient and jurisdiction over the actions of the Respondent in this matter has been established.

The uncontested evidence shows that Respondent engaged in behavior that was coercive and dishonest in his dealings with a prospective policyholder. Respondent made a conscious choice to lie in his response to the Department's query letter, when Respondent stated the life insurance application in question was never submitted to an insurer, 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 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 resident insurance producer's 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 6th day of February 2023.

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. Troy Speckmann (NAIC Producer #10255905), Cause No. A-2309.

Dated this 10th day of February 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 was served upon the Respondent by mailing a copy to Respondent's registered residential and business addresses with the Department: 1225 N 113th Plaza, Apt 4914, Omaha, Nebraska 68154, and 3301 Dodge St, Omaha, Nebraska 68131, respectively, via certified mail, return receipt requested and via regular U.S. mail on this 10th day of February 2023.

