

MAR 15 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-2311
)	
Andrea Seemayer)	
(NAIC Producer #15806602),)	
)	
RESPONDENT.)	

This matter came on for hearing on February 28, 2023, before Cheryl Wolff, 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, Megan VanAusdall. Andrea Seemayer, (“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 an inactive licensed non-resident insurance producer. Respondent’s residential and mailing address with the Department is 220 W Bell Rd, Apt. 2125, Phoenix, AZ

85023-3686. Respondent's registered business address is 1 Norterra Dr, Phoenix AZ 85085. (Ex. 1, Attachment 1).

3. On or about September 12, 2022, Petitioner received notice from United Services Automobile Association Insurance Company ("USAA") that it had terminated Respondent's agent appointments effective August 31, 2022, for misrepresentation and concealment of material facts. (Ex. 1, Attachment 2).

4. USAA conducted an internal investigation which revealed that, on or about August 1, 2022, Respondent filed a claim for damages under her own USAA Valuable Personal Property Policy which claimed damages for food spoiled due to a power outage caused by storms that occurred on July 30, 2023. (Ex. 1, Attachment 3).

5. USAA's investigation contained admissions of the Respondent that the damages reported in her claim for spoiled food were not actually caused by a power outage from a storm as originally asserted by the Respondent but were instead caused by the actions of Respondent's daughter. Respondent admitted she misrepresented the cause of the damage as she was afraid the claim would be denied. (Ex. 1, Attachment 3).

6. The Department's licensing records shows that the Respondent's non-resident license was cancelled at her request on September 30, 2022. (Ex. 1, Attachment 1).

7. On or about January 27, 2023, the Petition and Notice of Hearing were served upon Respondent by mailing the same to her registered business address, residential and mailing address, by certified mail, return receipt requested, and via regular mail (Ex. 2, Attachments 1 and 2)

8. On or about February 6, 2023, the Domestic Return Receipt Card for the letter sent certified mail to her registered business address was returned by the U.S. Postal Service, confirming delivery. (Ex. 2, Attachment 1).

9. On February 24, 2023, the certified letter sent to Respondent's registered residential and mailing address was returned to the Department by the United States Postal Service marked "Return to Sender, Unclaimed, Unable to Forward." (Ex. 2, Attachment 2).

10. The letters containing the Petition and Notice of Hearing that was sent regular United States mail to her registered business addresses and the registered residential and mailing address has not been returned to the Department, nor has the Department received any notification that the letters were undeliverable. (Ex 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 to 40-4069.

2. The Department has personal jurisdiction over Respondent.

3. Pursuant to Neb. Rev. Stat. §§44-4059(1), the director may suspend, revoke, or refuse to issue or renew 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)(g) and (h) as a result of the conduct found in paragraph 4 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, 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 her business, residential, and mailing addresses of record were sufficient and jurisdiction over the actions of the Respondent in this matter has been established.

The uncontested evidence shows that Respondent engaged in fraudulent and dishonest behavior in the conduct of business in this state or elsewhere. Additionally, the Respondent did not provide any evidence that disputes her admission to USAA during the investigation that she committed fraud in filing her claim.

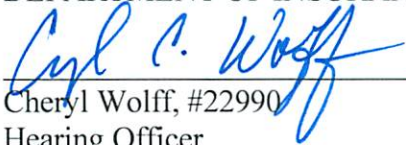
These actions constitute a violation of Neb. Rev. Stat. § 44-4059(1)(g) and (h).

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's non-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 15th day of March, 2023.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE


Cheryl Wolff, #22990
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. Andrea Seemayer (NAIC Producer #15806602), Cause No. A-2311.

Dated this 15th day of March 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 her at Respondent's registered residential and mailing address, 220 W Bell Rd, Apt. 2125, Phoenix, AZ 85023-3686 and Respondent's registered business address 1 Norterra Dr, Phoenix AZ 85085, via certified mail, return receipt requested and via regular U.S. mail on this 15th day of March, 2023.



Handwritten signature or mark in blue ink.