

MAR 16 2023

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	FINDINGS OF FACT, CONCLUSIONS
)	OF LAW, RECOMMENDED ORDER
PETITIONER,)	AND ORDER
)	
VS.)	CAUSE NO. A-2312
)	
JUADON RANDLE,)	
(NAIC Producer #1819751),)	
)	
)	
RESPONDENT.)	

FILED

This matter came on for hearing on the 28th day of February 2023, 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 attorney, Michael Anderson. Respondent, Juadon Randle (“Respondent”), was present by telephone and was not represented by an attorney. The proceedings were tape recorded by Shelly Storie, a licensed Notary Public. Evidence was received, testimony was adduced, and the matter was taken under advisement. As a result of the hearing, 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 non-resident insurance producer, whose non-resident license expired on January 31, 2023. Respondent’s registered mailing address with the Department 10375 Park Meadows Drive, Suite 650, Lone Tree, Colorado 80124-6865. (Ex. 2, Attachment 1)

3. On February 1, 2021, Respondent applied for and was granted a non-resident producer's license, with a National Producer Number ("NPN") of 18197591. The license granted on this date expired on January 31, 2023. (Ex. 2, Attachment 1)

4. On December 6, 2022, Respondent submitted an application to the Department seeking renewal of his license, on which he marked "no" to questions regarding the existence of any prior felony conviction(s). (Ex. 2, Attachment 2)

5. Upon a search of the Department's licensing records, it was discovered that Respondent had provided a statement, dated January 4, 2023, which read:

"[p]lease accept the following explanation regarding my criminal history. Once each in 2002 and 2004 I was arrested for failing to register with the Chicago police department as a sex offender....."

(Ex. 2, Attachment 3)

6. Upon further investigation by the Department, prompted by Respondent's statement, it was discovered that on July 24, 2000, in the Circuit Court of Cook County, Illinois, Case No. CR1416601, Respondent had been sentenced to supervised probation for a period of one (1) year, subsequent to a conviction for two counts of Failure to Report a Change of Address [as required by a person convicted of a sex offense], a Degree 4 Felony, in violation of Illinois Revised Statutes §730-150/6 (Ex. 2, Attachment 6)

7. On or about January 13, 2023, the Department denied Respondent's application for licensure due to providing incorrect, misleading, incomplete or materially untrue information in the license application and having been convicted of a felony, pursuant to Neb. Rev. Stat. §§ 44-4059(1)(a),(f). (Ex. 2, Attachment 4)

8. On or about January 30, 2023, the Department received a timely appeal of the application denial from Respondent, via a letter dated January 26, 2023. (Exhibit 2, Attachment 5)

9. On or about February 1, 2023, an Amended Petition and Notice of Hearing were served upon Respondent by mailing the same to his registered residential address, at 1816 S Pagosa Way, Aurora, Colorado 80017, by regular mail; the same documents were sent to Respondent's business address at 10375 Park Meadows Drive, Suite 650, Lone Tree, CO 80124, by certified mail,

return receipt requested, and via regular U.S. mail. Finally, a copy of the same documents was sent through electronic mail, to JRANDLE@AMICA.COM. (Ex. 3)

10. The Domestic Return Receipt (“Receipt”) attached to the Amended Petition and Notice of Hearing mailed to Respondent’s registered business address was not returned to the Department as of this date, but on February 1, 2023, a “read receipt” was generated in response to the electronic mail sent to JRANDLE@AMICA.COM, and sent to a member of Department staff, confirming delivery to this account. (Ex.3, Attachment 1)

11. Respondent testified at the subsequent hearing, held February 28, 2023 at the Department’s offices, that the court records, including any conviction, for the underlying felony sex offense which led to the arrests on charges of “Failure to Register” in 2002 and 2004 referenced in Respondent’s January 4, 2023, statement (See: Exhibit 2, Attachment 3) had been lost, or were otherwise unavailable, thus, Respondent argued, any convictions connected to the underlying offense, on which court records were not available, should not have value in the decision of whether Respondent’s license renewal application would be granted. In support of his argument, Respondent offered a “clerk’s certificate” from the Fayette District Court of Kentucky. This certificate affirmed that the clerk of that court had searched the Kentucky Court Database for the name “Juadon Randle,” with associated charges listed as “Rape 1st Degree,” with the result that “no such case, pending or disposed, appears of record in the circuit court”; “[d]istrict court criminal records for that period of time have been destroyed pursuant to the Court of Justice retention schedule, or...”; “[n]o indictments are pending and no felony conviction records are found.” The clerk’s certificate was dated April 7, 2021. (Exhibit 1)

12. Respondent further testified during the hearing that he currently works in the insurance business as a customer representative but is seeking renewal of his license in order to work as a producer or agent in the field.

DISCUSSION

Exhibit 1, the court clerk's certificate from Kentucky, which Respondent submitted at the hearing, proved that the District court, after a search of their records, did not find records of a prior felony sex offense under Respondent's name. However, the absence of a felony conviction in a court's records is not affirmative proof that a felony conviction has been expunged or pardoned. Respondent did not provide any proof of an expungement or pardon on the case originating from the Kentucky District Court.

However, in the course of the same hearing, the Department presented a certified court record of Respondent's felony conviction on July 24, 2000, for "Failure to Report Change of Address," case no. CR1416601, in the circuit court of Cook County, Illinois.

The record established at hearing clearly shows valid proof that Respondent has a prior felony conviction for "Failure to Change Address" [as a sex offender], originating from the Cook county district court in Illinois, and dated July 24, 2000. (Ex. 2, Attachment 6)

Despite Respondent's assertion that this prior felony charge should not be considered because no records of the Kentucky District court conviction are available to either prove or disprove its existence, this hearing officer finds the Department has submitted proof of at least one other felony conviction on Respondent's record, the July 2000 conviction for "Failure to Change Address" from Cook County. Furthermore, Respondent presented no evidence that the July 2000 conviction had been expunged, pardoned or otherwise removed from his criminal record. Therefore, the July 2000 conviction is admissible and may be considered.

Respondent's July 24, 2000 felony conviction in Cook county forms a valid ground for the denial of his insurance producer's license under §44-4059(1)(f). Additionally, because Respondent failed to disclose this felony history on his renewal application submitted to the Department, dated

December 6, 2022, his license renewal request may also be denied under §44-4059(1)(a), for providing incorrect, misleading, incomplete, or materially untrue information on the license application.

Respondent chose to provide incorrect, incomplete, or materially untrue information on his application for an insurance producer license. Respondent was aware, via his testimony, that he had been previously convicted of at least one other felony besides the alleged conviction for which records could not be found. Yet, he failed to disclose them on the application. While Respondent testified at hearing that he was unsure of whether his previous felony conviction for Failure to Register still needed to be included, given the loss of records for the underlying or originating conviction was lost, the application is an applicant's first opportunity to demonstrate honesty and trustworthiness in the business of insurance, and Respondent chose not to fully disclose his criminal history.

CONCLUSIONS OF LAW

1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance in the State of Nebraska pursuant to Neb. Rev. Stat. §44-101.01 and §44-4001 et seq.
2. The Department has personal jurisdiction over Respondent.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, the following is recommended for adoption by the Director of Insurance:

1. Respondent's application for an insurance producer's license should be denied.

2. The Nebraska Department of Insurance will continue to retain jurisdiction over this matter.

Dated this 15th day of March 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 license denial of Juadon Randle, Cause No. A-2312.

Dated this 16th 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 Respondent at his registered residential address of 1816 S Pagosa Way, Aurora, Colorado 80017, by regular mail; also, to Respondent's business address at 10375 Park Meadows Drive, Suite 650, Lone Tree, CO 80124, by certified mail, return receipt requested, and via regular U.S. mail. Finally, a copy was sent through electronic mail, to JRANDLE@AMICA.COM, on this 10th day of March 2023.


