

MAY 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-2318
	)	
DANIELLA DAUGHERTY,	)	
(NAIC Producer #20211504)	)	
	)	
RESPONDENT.	)	

This matter came on for hearing on April 25, 2023, before Michael W. Anderson, 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, Laurie Burgess. Daniella Daugherty (“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 non-resident insurance producer’s license in the State of Nebraska. Respondent’s registered residence and mailing addresses with the Nebraska Department of Insurance is 11827 East Cornell Circle, Aurora, CO 80014 and 1855 Telstar Dr., Colorado Springs, CO 80920.

3. On November 3, 2022, the Nebraska Department of Insurance received notice from United Services Automobile Association (USAA) indicating the employment of producer Daniella Daugherty had been terminated. (See Ex. 1)

4. On November 29, 2022, a request for response letter was mailed to the Respondent at her address of record with the Nebraska Department of Insurance, 11827 E. Cornell Cir, Aurora, CO 80014. (See Ex.1, Attachment 1)

5. On December 23, 2022, Petitioner's Office mailed a follow up request for response to the Respondent at her address of record with the Nebraska Department of Insurance, 11827 East Cornell Circle, Aurora, CO 80014. This request was sent via United States Postal Service First Class Mail. (See Ex. 1, Attachment 2)

6. On January 25, 2023, Petitioner's Office mailed another follow up request for response to the Respondent at her address of record with the Nebraska Department of Insurance, 11827 E. Cornell Cir., Aurora, CO 80014 via certified mail. (See Ex. 1, Attachment 3)

7. Petitioner's Office has not received a response from Respondent to any of the contact attempts sent by Petitioner's Office. (See Ex. 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. §§ 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), the Director may levy an administrative fine against, or suspend or revoke the license of an insurance producer's license if it is found that the producer has violated any insurance law.

4. Pursuant to Neb. Rev. Stat. § 44-1525 (11), it shall be unfair trade practice in the business of insurance of any insurer if they demonstrate the "failing 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."

5. Respondent violated Neb. Rev. Stat. § 44-4059(1)(b) as a result of the conduct found in paragraphs 1-7 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 address. Based upon the evidence of record, the Department's service of the petition and notice of hearing upon Respondent at the registered address was sufficient and jurisdiction over the actions of the Respondent in this matter has been established.

The uncontested evidence shows that Respondent, having received inquiries from the Department, failed to respond to those inquiries.

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

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent be assessed an administrative penalty of \$500, and that such penalty shall be paid by the Respondent within 90 days of the adoption of this order. Should Respondent fail to pay the administrative penalty in that time, Respondent's insurance producer's license shall be suspended until such a time as the fine is paid. 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 9<sup>th</sup> day of May, 2023.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE



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Michael W. Anderson  
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. Daniella Daugherty (NAIC Producer #20211504), Cause No. A-2318.

Dated this 11 day of May, 2023.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE



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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 Respondents registered address, of 11827 EAST CORNELL CIR., AURORA, CO 80014 via certified mail, return receipt requested and via regular U.S. mail on this 15<sup>th</sup> day of May, 2023.

A handwritten signature in blue ink that reads "Shelly Stone". The signature is written in a cursive style with a horizontal line underneath the name.