

MAY 16 2023

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
PETITIONER,)	RECOMMENDED ORDER AND
)	ORDER
VS.)	
)	CAUSE NO. A-2319
BRITTANY MORRIS,)	
(NAIC Producer #19678640))	
)	
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. Brittany Morris (“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 residence, business and mailing address with the Nebraska Department of Insurance is 3824 Sanford Lane, Monroe, NC 28110-8008. Respondent’s registered business email address with the Nebraska Department

of Insurance is brittany.morris@gerberlife.com and her registered personal email address with the Nebraska Department of Insurance is brittanymorris0831@gmail.com. (See Ex. 2, Attachment 1)

3. On October 4, 2022, the Nebraska Department of Insurance received notice from Gerber Life Insurance Company indicating the employment of producer Brittany Morris had been terminated. The company alleges that the Respondent provided false information for her employment background check and that she used customer's personal and financial information without their consent. (See Ex. 1, Attachments 1 & 3)

4. Due to this information regarding employment termination, Respondent was sent several requests for information by Petitioner's Office, and failed to respond to those requests as follows (For All, See Ex. 1, Attachments 4-7):

- a. Original inquiry was sent on October 28, 2022, by Nebraska Department of Insurance Examiner Angie Sheldon to the Respondent's personal email address on file and registered with the Nebraska Department of Insurance, brittanymorris0831@gmail.com.
- b. Follow-up inquiries were sent on November 22, 2022, by Nebraska Department of Insurance Examiner Angie Sheldon. These inquiries were sent to the Respondent's personal email address registered with the Nebraska Department of Insurance, brittanymorris0831@gmail.com and also sent by United States First Class Mail to the residence, business and mailing address on file for the Respondent, 3824 Sanford Lane, Monroe, NC 28110-8008.
- c. An additional follow-up inquiry was sent to the Respondent on December 19, 2022. This inquiry was sent certified by the United States Postal Service to

the Respondent's residence, business and mailing address on file with the Nebraska Department of Insurance, 3824 Sanford Lane, Monroe, NC 28110-8008.

d. On January 11, 2023, the Nebraska Department of Insurance received the certified return receipt from the United States Postal Service. The return envelope of the letter sent certified on December 19, 2022, was marked "Return to Sender, Attempted Not Known, Unable to Forward".

5. Respondent did not provide a response to Petitioner's Office regarding any of the listed contact attempts. (See Ex. 1)

6. During the investigation of the Respondent, Nebraska Department of Insurance Examiner Angie Sheldon learned from the National Association of Insurance Commissioners Internet-State Interference Technology Enhancement website that the insurance producer license of the Respondent had been suspended and/or revoked in several other jurisdictions, to include the following (For all, See Ex. 2):

- i. The State of Indiana indefinitely suspended the producer license of the Respondent on January 5, 2023;
- ii. The State of Connecticut revoked the Respondent's producer license on January 11, 2023;
- iii. The State of Wyoming revoked the producer license of the Respondent on February 1, 2023.

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. Respondent violated Neb. Rev. Stat. § 44-4059(1)(b) as a result of the conduct found in paragraphs 1-6 in the Findings of Fact and as evidenced by the relevant exhibits received.

5. Respondent violated Neb. Rev. Stat. § 44-4059(1)(h) as a result of the conduct found in paragraphs 1-6 in the Findings of Fact and as evidenced by the relevant exhibits received.

6. Respondent violated Neb. Rev. Stat. § 44-4059(1)(i) as a result of the conduct found in paragraphs 1-6 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. The Department also attempted service via electronic means to Respondent's registered email 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 an inquiry from the Department, and then failed to respond to those inquiries, and that Respondent has had three additional actions against licenses in other states.

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's resident producer's license be suspended, and 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 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 9th day of May, 2023.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



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. Brittany Morris (NAIC Producer #19678640), Cause No. A-2319.

Dated this 11th day of May, 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 address, 3824 Sanford Lane, Monroe, NC 28110-8008, via certified mail, return receipt requested and via regular U.S. mail on this 16th day of May, 2023.

