

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.)	
)	
Jeremy Hart)	CAUSE NO. A-2321
(NAIC Producer #20467741),)	
)	
)	
RESPONDENT.)	
)	
)	
)	

This matter came on for hearing on April 11, 2023, before Megan VanAusdall, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. At this hearing, the Nebraska Department of Insurance (“Department”) appeared through its counsel, Laurie E. Burgess. Jeremy Hart (“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 currently holds an active resident insurance producer license. Respondent’s registered residence, business and mailing addresses with the Nebraska Department of Insurance is 1424 3rd Ave, Apt 5, Scottsbluff, NE 69361. Respondent’s registered personal and business email address is jeremyhart56@gmail.com. (Ex 1, Attachment 1)

3. On or about March 3, 2023, a Petition and Notice of Hearing were served upon Respondent by mailing the same to his registered address listed above, by certified mail, return receipt requested. These documents were also sent to the Respondent via regular U.S. mail, and a copy was sent via email to jeremyhart56@gmail.com. (Ex. 2)

4. On or about March 6, 2023, the Department, through its employee, Shelly Storie, received email from the Respondent, replying to the email referenced in the preceding paragraph, and stating “[j]ust revoke my license I really don’t care because I am no longer in that field and never will be again.” (Ex. 2, Attachment 1)

5. On or about March 30, 2023, the Domestic Return Receipt card and letter addressed to Respondent’s registered address, 1424 3rd Ave, Apt 5, Scottsbluff, NE 69361, was returned to the Department by the United States Postal Service (“USPS”) marked as “RETURN TO SENDER, NOT DELIVERABLE AS ADDRESSED, UNABLE TO FORWARD”. (Ex. 2, Attachment 2)

6. On or about September 20, 2022, Respondent submitted a Nebraska license application to the Department, on which he responded “no” to both the following questions:

i. “Have you ever been convicted of a misdemeanor, had a judgement deferred, or are you currently charged with committing a misdemeanor?”

[and]

ii. “Have you ever been convicted of a felony, had a judgement withheld or deferred, or are you currently charged with committing a felony?” (Ex 1, Attachment 1)

7. As a result of Respondent’s answers of “no” to the above-referenced questions on the application, Respondent was granted a resident Nebraska insurance license, effective September 20, 2022.

8. On November 2, 2022, a search of the Nebraska Judicial Branch website was conducted, and as a result, it was discovered that felony criminal charges had been filed against Respondent, dating from September of 2022, for “Theft – Unlawful Taking, \$1500-\$4,999,” a Class IV felony, in the County Court of Scottsbluff, Nebraska.

9. On January 17, 2023, a subsequent search of the Nebraska Judicial Branch website was conducted, and as a result, a conviction was located for the Respondent, indicating that Respondent had entered a guilty plea to “Theft - Unlawful Taking, \$501 - \$1,499”, a Class 1 misdemeanor, on November 18, 2022, in the County Court of Scottsbluff, Nebraska. (Ex. 1, Attachment 3)

10. On January 18, 2023, the Department sent a letter to Respondent through certified mail, return receipt requested, asking that Respondent submit a response to the allegations. (Ex 1, Attachment 4)

11. On February 17, 2023, the certified letter sent January 18, 2023, was received by the Department, marked "Return to Sender, Unclaimed, Unable to Forward." (Ex 1, Attachment 5)

12. As of April 6, 2023, the Department has not received a response to the request or a request for any additional time for response to the request. (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)(b), the director may suspend or revoke an insurance producer's license or may levy an administrative fine for violating any insurance law or violating any rule, regulation, subpoena, or order of the director or of another state's insurance commissioner or director.

4. Pursuant to Neb. Rev. Stat. § 44-4059(1)(f), the director may suspend or revoke an insurance producer's license or may levy an administrative fine for having been convicted of a felony, or a Class I, II, or III misdemeanor.

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

DISCUSSION

The uncontested evidence shows that Respondent pled guilty to one count of "Theft - Unlawful Taking, \$501 - \$1,499", a Class I misdemeanor. Respondent's conviction for theft demonstrates dishonest and untrustworthy conduct incompatible with the high ethical and moral standards required of an insurance producer.

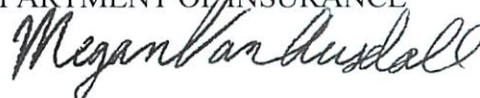
Based on the serious nature of the evidence presented, revocation of Respondent's resident insurance producer license is appropriate in this case.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's Nebraska resident insurance producer 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 further orders as may be necessary.

Dated this 11th day of May, 2023.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Megan VanAusdall, #27433
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. Jeremy Hart (NAIC Producer #20467741), Cause No. A-2321.

Dated this 11 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 Respondent by mailing a copy to Respondent's registered business and mailing addresses at 1424 3rd Ave, Apt 5, Scottsbluff, NE 69361, by certified mail, return receipt requested, and by regular U.S. mail, and a digital copy was sent to Respondent's registered personal and business email address, jeremyhart56@gmail.com, on this 15th day of May 2023.

Shelly Storie