

JUL 27 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-2328
)	
NEIL T. LOSH)	
(NAIC Producer #6114302),)	
)	
RESPONDENT.)	

This matter came on for hearing on July 11, 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. Neil Losh, (“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 a licensed non-resident insurance producer. Respondent’s business and mailing address on file with the Department is Neil Losh Agency, Inc. 112 W 6th St, Concordia, KS 66901, and his residential address on file with the Department is 1331 Quaint, Concordia, KS 66901 (Ex. 1, Attachment 1).

1. The Department's licensing records shows that the Respondent's non-resident license in Nebraska expired on April 30, 2023. (Ex. 1, Attachment 1).
2. On or about May 2, 2023, Petitioner received notice from the Regulatory Information Retrieval System (RIRS) that the Respondent's Resident Insurance License was revoked by the State of Kansas effective March 28, 2023. (Ex. 1, Attachment 2).
3. As of July 11, 2023, the Respondent has not obtained a new resident insurance license in Kansas or any other state. (Ex. 1).
4. On or about May 23, 2023, the Petition and Notice of Hearing were served upon Respondent by mailing the same to his registered business address and his registered residential address, by certified mail, return receipt requested, and via regular mail. (Ex. 2).
5. On or about June 8, 2023, the Domestic Return Receipt Card for the letter sent certified mail to his registered business address was returned by the U.S. Postal Service, confirming delivery. (Ex. 2, Attachment 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 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)(o) as a result of the conduct found in paragraphs 2 through 3 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 his 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 failed to maintain in good standing a resident license in his home state. Additionally, the Respondent did not provide any evidence that he has obtained a new resident insurance license.

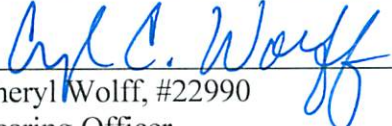
These actions constitute a violation of Neb. Rev. Stat. § 44-4059(1)(o).

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 ___ day of July, 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. Neil T. Losh (NAIC Producer #6114302), Cause No. A-2328.

Dated this 27th day of July, 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 residential address, 1331 Quaint, Concordia, KS 66901 and Respondent's registered business and mailing address at Neil Losh Agency, Inc., 112 W 6th St, Concordia, KS 66901, via certified mail, return receipt requested and via regular U.S. mail on this 27th day of July, 2023.



Shelly Storie