

OCT 30 2023

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA	)	
DEPARTMENT OF INSURANCE,	)	
	)	FINDINGS OF FACT,
PETITIONER,	)	CONCLUSIONS OF LAW,
	)	RECOMMENDED ORDER AND
VS.	)	ORDER
	)	
John Russell Thomas,	)	CAUSE NO. A-2336
(NAIC Producer #20395786)	)	
	)	
	)	
RESPONDENT.	)	

This matter came up for hearing on October 17, 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, Cheryl Wolff. John R. Thomas ("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 address with the Department is 2033 Goodrich Avenue, Flint, Michigan 48503. (See Ex. 1, Attachment 1).

3. On or about August 17, 2023, Respondent submitted an application for renewal of his Nebraska nonresident producer's license via the National Insurance Producer Registry. (See Ex. 1, Attachment 2)

4. A background question on the renewal application asks whether the applicant has been named or involved as a party in an administrative proceeding regarding any professional or occupational license or registration which has not been previously reported to this insurance department. "Involved" was defined in the application to include "having a license, or registration, application denied." The Petitioner's licensing records show that the Respondent responded "No." (See Ex.1, Attachment 2)

5. On or about August 17, 2023, when Respondent's application for license renewal was submitted, the Petitioner received the notice from the Regulatory Information Retrieval System (RIRS) that the Respondent's application for non-resident Insurance License was denied by the State of Florida on January 20, 2023. (See Ex. 1, Attachment 3)

6. Respondent did not notify the Petitioner of the denial of his application for a nonresident license by the State of Florida within 30 days of the action. (See Ex. 1)

7. As of the date of filing, Respondent has failed to provide the Petitioner notice of his license denial in Florida. (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 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)(a) as a result of the conduct found in paragraphs 1-5 in the Findings of Fact and as evidenced by the relevant exhibits received.

5. Respondent violated Neb. Rev. Stat. § 44-4059(1)(b) and (i) as a result of the conduct found in paragraphs 1-7 in the Findings of Fact and as evidenced by the relevant exhibits received.

6. Respondent violated Neb. Rev. Stat. § 44-4065(1) as a result of the conduct found in paragraphs 5-7 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. The Department also provided a Domestic Return Receipt for the notice filings, which 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 its mailing address was sufficient and jurisdiction over the actions of the Respondent in this matter has been established.

The uncontested evidence shows that Respondent provided incorrect information in his renewal license application, and that Respondent, after having his Florida license denied, failed to report such denial to Petitioner's Office.

These actions constitute violations of Neb. Rev. Stat. § 44-4059(1)(a), 44-4059(1)(b), 44-4059(1)(i), and 44-4065(1).

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 26<sup>th</sup> day of October 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. John Russell Thomas (NAIC Producer #20395786), Cause No. A-2336.

Dated this 30<sup>th</sup> day of October 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, 2033 Goodrich Avenue, Flint, Michigan 48503, via certified mail, return receipt requested and via regular U.S. mail on this 30<sup>th</sup> day of October, 2023.



---