

NOV 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-2337
)	
MARIA MCGEE)	
(NAIC Producer #19357365),)	
)	
RESPONDENT.)	

This matter came on for hearing on October 31, 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. Maria McGee, (“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, residential, and mailing address on file with the Department is 4332 W Park Lane Drive, #3A, Alsip, Illinois 60803. (Ex. 1, Attachment 1).

3. On or about February 27, 2023, Petitioner applied for and was granted a non-resident producer license in Nebraska. At the time of the Respondent's Application on the National Insurance Producer Registry ("NIPR") website, the Respondent paid the required fee of \$55.60 by electronic check, which was subsequently not honored by her bank. The NIPR's Billing Department notified the Department that they could not collect the required licensing fee. (Ex. 1, Attachments 1 and 2).

4. On or about June 12, 2023, the Department sent a certified letter to Respondent's residential, business, and mailing address requesting payment of the required licensing fee in the amount of \$55.60. A certified return receipt from this letter was delivered to the Department on June 22, 2023, signed, and showing the letter had been delivered to the Respondent on June 16, 2023. (Ex. 1, Attachments 2 and 3).

5. On or about July 16, 2023, the Department emailed Respondent at her registered email addresses on file with the Department, missm_mcgee@yahoo.com and Msmariamcgee@yahoo.com, again notifying Respondent of her unpaid licensing fee, and attaching a copy of the June 12, 2023, certified letter. (Ex. 1, Attachment 4).

6. As of October 18, 2023, the Respondent has not responded to the Department (Ex. 1).

7. On or about September 6, 2023, the Petition and Notice of Hearing were served upon Respondent by mailing the same to her registered business, mailing and residential addresses, by certified mail, return receipt requested, and via regular mail (Ex. 2, Attachment 1)

8. On or about September 25, 2023, the Domestic Return Receipt Card for the letter sent certified mail to her registered residential address was returned by the U.S. Postal Service, confirming delivery. (Ex. 2, Attachment 1 and 2).

9. On or about October 12, 2023, a Motion to Continue and an Order Granting Motion to Continue were served upon Respondent by mailing the same to her registered business, mailing

and residential address, by certified mail, return receipt requested, and via regular mail (Ex. 2, Attachment 2)

10. On or about October 20, 2023, the Domestic Return Receipt Card for the letter sent certified mail to her registered residential address was returned by the U.S. Postal Service, confirming delivery. (Ex. 2, Attachment 2).

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 or may levy an administrative fine if it is found that the producer has violated any insurance law.

4. Respondent violated Neb. Rev. Stat. § 44-4059(1)(b) and (h) as a result of the conduct found in paragraphs 4 through 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 addresses. The Department also provided a Domestic Return Receipt for the notice filings, which, along with the tracking information also provided, confirmation of delivery to the Respondent. Based upon the evidence of record, the Department's service of the petition and notice of hearing upon Respondent at her

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 engaged in dishonest practices and demonstrated financial irresponsibility in the conduct of business in this state or elsewhere. Additionally, the Respondent did not provide any evidence that disputes the fact that she attempted to pay the required licensing fee with an electronic check that was not honored by the Respondent's bank and failed to remit valid payment even after repeated notices requesting payment.

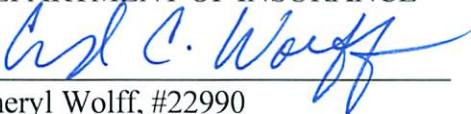
These actions constitute a violation of Neb. Rev. Stat. § 44-4059(1)(b) and (h).

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 suspended until the required license fee has been paid and remitted to the Department. 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 5th day of November, 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. Marie McGee (NAIC Producer #19357365), Cause No. A-2337.

Dated this 15th day of November, 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 business, mailing, and residential address, 4332 W Park Lane Drive, #3A, Alsip, Illinois 60803, via certified mail, return receipt requested and via regular U.S. mail on this 15th day of November, 2023.

