

MAY 08 2024

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	
)	
PETITIONER,)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
)	RECOMMENDED ORDER AND
)	ORDER
VS.)	
)	CAUSE NO. A-2347
)	
Shari Miller,)	
(NAIC Producer #18502732))	
)	
)	
)	
RESPONDENT.)	

This matter came up for hearing on April 30, 2024, 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, Megan VanAusdall. Shari Miller ("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 addresses with the Nebraska Department of Insurance are 1140 OT Wallace Blvd, Moncks Corner, SC 29461 ("Residential Address"), 8085 Rivers Ave, Suite 119, Rivers Park Business Center, North

Charleston, SC 29406 (“Business Address”), and “DialAmerica” 8085 Rivers Ave, Suite 119, Rivers Park Business Center, North Charleston, SC 29406 (“Mailing Address”). (See Ex. 1, Attachment 1).

3. On July 26, 2023, Petitioner’s Office received a termination for cause from Mutual of Omaha concerning the Respondent. (See Ex. 2, Attachment 1)

4. On both August 4, 2023, and August 28, 2023, Respondent was contacted via regular mail, and was requested to provide a response to the allegations contained in Mutual of Omaha’s notice of termination. (See Ex. 2, Attachment 2)

5. On September 12, 2023, Respondent contacted Petitioner’s Office by email, requesting an extension to the deadline mentioned in the prior letters, which was granted, shifting the due date for response to September 21, 2023. (See Ex. 2, Attachment 4)

6. On September 25, 2023, Respondent was sent a letter reiterating the request for a response. This letter was sent to the Residential Address on file for the Respondent via certified mail. (See Ex. 2, Attachment 5)

7. As of December 12, 2023, Respondent had not delivered a response to Petitioner’s Office. (See Ex. 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 et seq.

2. The Department has personal jurisdiction over Respondent.

3. Pursuant to Neb. Rev. Stat. § 44-4059(1)(b), the Director may suspend, revoke or refuse to issue or renew an insurance producer's license or may levy an administrative fine against an insurance producer's license if it is found that the producer has violated any insurance law.

4. Pursuant to Neb. Rev. Stat. § 44-1524 (1), it shall be an unfair trade practice in the business of insurance for any insurer "to commit any act or practice defined in section 44-1525 if the act or practice is committed flagrantly and in conscious disregard of the Unfair Insurance Trade Practices Act or any rule or regulation adopted pursuant to the act."

5. Pursuant to Neb. Rev. Stat. § 44-1525 (11), it shall be unfair trade practice in the business of insurance of any insurer if they demonstrate the "[f]ailing of any insurer, upon receipt of a written inquiry from the department, to respond to such inquiry or request additional reasonable time to respond within fifteen working days."

6. Respondent violated Neb. Rev. Stat. §§ 44-1524 (1), 44-1525 (11), and 44-4059(1) (b), as a result of the conduct found in paragraphs 1-7 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

Residential Address was sufficient and jurisdiction over the actions of the Respondent in this matter has been established.

The uncontested evidence shows that Respondent failed to respond to a written request from the Department of Insurance to provide information concerning Respondent's Termination for Cause.

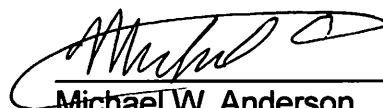
These actions constitute violations of Neb. Rev. Stat. §§ 44-1524 (1), 44-1525 (11), and 44-4059(1) (b).

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent be assessed an administrative fine in the amount of \$500. Should Respondent fail to pay this fine within 60 days of the adoption of this order, Respondent's non-resident producer's license shall be suspended until such a time as the fine is paid and a complete response is provided to Petitioner's Insurance Complaint Division. 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 8th day of May, 2024.

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. Shari Miller (NAIC Producer #18502732), Cause No. A-2347.

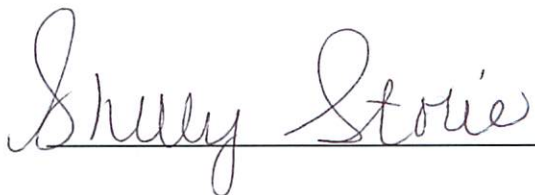
Dated this 7th day of May, 2024.

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 her registered residential address at 1140 OT Wallace Blvd, Moncks Corner, SC 29461, by certified mail, return receipt requested, and by regular U.S. mail, on this 8th day of May, 2024.


Sherry Storie