

MAR 30 2012

FILED

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

STATE OF NEBRASKA)	FINDINGS OF FACT, CONCLUSIONS
DEPARTMENT OF INSURANCE,)	OF LAW, RECOMMENDED ORDER
)	AND ORDER
PETITIONER,)	
)	CAUSE NO. A-1929
VS.)	
)	
PHILLIP D. SPOON,)	
)	
(NAIC National Producer #7124380))	
)	
RESPONDENT.)	

This matter came on for hearing on March 21, 2012, before Martin W. Swanson, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance (“Department”) was represented by its attorney, Matthew Holman. Phillip D. Spoon (“Respondent”) was represented by his attorney, John Aman. The proceedings were tape recorded by Tracy Gruhn, a licensed Notary Public. Evidence was received, testimony was adduced and the matter was taken under advisement. As a result of the hearing, the hearing officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. Respondent is a licensed insurance producer whose registered business address with the Nebraska Department of Insurance is AMS Insurance Center, 120 S. 29th Street, Lincoln, NE 68510-1403. His registered home address with the Department is 7911 Twinoaks Road, Lincoln, NE 68516. **E1.**

2. Respondent received notice of this hearing and was aware that it was to be held on March 21, 2012. **E2.**

3. An Amended Petition was filed by the Department on March 21, 2012. Respondent did not object to said Amended Petition.

4. All exhibits, namely E1 through E4 were admitted to during the course of the hearing without objection. See E1, 2, 3, 4.

5. At the hearing, Respondent admitted that he violated Neb. Rev. Stat. §44-4059(1)(h)(Reissue 2010) via the following conduct:

- a. Failing to pay federal income tax for the tax periods ending 12/31/2002 through 12/31/2006, resulting in a federal tax lien, serial number 656483710 in the amount of \$141,987.73 being filed against Respondent on May 25, 2010.

6. At the hearing, Respondent admitted that he violated Neb. Rev. Stat. §44-4059(1)(h)(Reissue 2010) and Neb. Rev. Stat. §44-4059(1)(n)(Reissue 2010) by the following conduct:

- a. Failing to pay Nebraska state income tax for tax periods 2002 and 2003 resulting in state tax lien serial number 80670044 in the amount of \$40,433.13 being filed against Respondent on June 12, 2008.
- b. Failing to pay Nebraska state income tax for tax periods, 2004, 2005, and 2006 resulting in state tax lien serial number 11151663 in the amount of \$14,122.48 being filed against Respondent on February 9, 2011.

DISCUSSION

Respondent admitted he violated the aforementioned statutes by his failure to pay both federal and state income tax for a number of years as delineated above. Counsel for Respondent indicated that Respondent is paying back on those liens. Counsel also indicated that Respondent was unaware that he had to pay state income tax in Nebraska when he came here from Texas where there is no state income tax, and that Respondent had other issues in his life that he has rectified. I would encourage Respondent to continue paying back what he owes in taxes and to make continued strides in his personal life. However, I cannot ignore the fact that he failed to pay taxes to both the

federal and state governments for numerous years which are clear, obvious, and serious violations of the insurance code. As such, I recommend that his insurance producer's license be suspended until such time as all of the liens are paid in full at which time Respondent can petition the Department for reinstatement.

CONCLUSIONS OF LAW

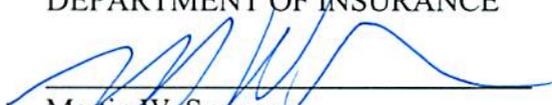
1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance in the State of Nebraska pursuant to Neb. Rev. Stat. §44-101.01 and §44-4001 et seq.
2. The Department has personal jurisdiction over Respondent.
3. Respondent violated Neb. Rev. Stat. §§44-4059(1)(h)(Reissue 2010) on multiple occasions and 44-4059(1)(n)(Reissue 2010).

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's insurance producer's license be suspended until all liens denoted in the Amended Petition dated March 21, 2012 are paid. The Nebraska Department of Insurance will continue to retain jurisdiction over this matter.

Dated this 28th day of March, 2012.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Martin W. Swanson
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. Phillip D. Spoon,
Cause No. A-1929.

Dated this 30th day of March, 2012.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Bruce R. Ramage
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 counsel, John Aman, at Aman and Aman Attorneys, 2850 P Street, Lincoln, NE 68524-2088 by certified mail, return receipt requested on this 30th day of March, 2012.

