

JUN 1 2 2012

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA	)	
DEPARTMENT OF INSURANCE,	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW,
PETITIONER,	)	RECOMMENDED ORDER AND
	)	ORDER
VS.	)	
	)	
TIMOTHY W. THOMAS,	)	CAUSE NO. A-1945
	)	
RESPONDENT.	)	

This matter came on for hearing on the 30<sup>th</sup> day of May 2012 before Eric Dunning, 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, Joel Green. Timothy W. Thomas, ("Respondent"), was not present and was not represented by an attorney. The proceedings were tape recorded by Tracy Gruhn, a licensed Notary Public. Evidence was received, 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 Department is 501 Plus Park Blvd., United Benefits America, LLC, Nashville, TN, and registered home address is 14 Tradition Lane, Brentwood, TN 27027. (Exhibit 1).
2. The Department is the agency of the State of Nebraska charged with licensing insurance producers.

3. On or about April 18, 2012 the Petition and Notice of Hearing were served upon the Respondent by mailing the same to his registered business address, 501 Plus Park Blvd., United Benefits of America, LLC, Nashville, TN 37211 by certified mail return receipt requested, and his registered home address, 14 Tradition Lane, Brentwood, TN 27027, by First Class United States Mail. On or about April 30, 2012 the certified letter was returned to the Department of Insurance marked Return to Sender – No such Address, Unable to Forward.” As of the date of the hearing, the Petition sent to Respondent’s registered home address has not been returned to the Department by the United States Postal Service, and the Department has not received notice from United States Postal Service that the item was undeliverable. (Exhibit 2)

4. On February 15, 2012, Director of Insurance Bruce Ramage signed an Order in *State of Nebraska Department of Insurance vs. Timothy W. Thomas*, Cause No. A-1934, ordering Respondent to pay an administrative fine of \$1000 within thirty days of the adoption of the Order. This Order was served upon the Respondent by mailing the same to his registered business address, 501 Plus Park Blvd., United Benefits of America, LLC, Nashville, TN 37211 by certified mail return receipt requested, and his registered home address, 14 Tradition Lane, Brentwood, TN 27027 by First Class United States Mail. As of the date of the hearing, neither the Order mailed to Respondent by certified mail nor the Domestic Return Receipt card attached to the certified letter have been returned to the Department of Insurance by the United States Postal Service. According to information obtained from the United States Postal Service, the certified letter was forwarded on February 22, 2012, and there is no further record from the United States Postal Service as to the certified letter’s whereabouts. (Exhibit 2).

5. As of the date of the hearing, Respondent has not paid this administrative fine (Exhibit 1).

## 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)(b) which states that the Director may impose a fine, suspend or revoke an agent's license if that person has violated "any insurance law or violat[ed] any rule, regulation, subpoena, or order of the director or of another state's insurance commissioner or director" as a result of the conduct set forth in Paragraphs 3 through 5 of the Findings of Fact.

## DISCUSSION

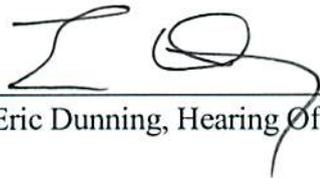
Respondent's failure to abide by the terms of the previous Order of the Director of Insurance adds an additional violation to Respondent's previous failure to abide by the requirements placed upon licensed insurance producers under Nebraska law. As Respondent's continued failure to abide by the terms of Nebraska law, and failure to comply with any Order of the Director, the Hearing Officer hereby recommends that Respondent's insurance producer license be revoked.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that the Respondent's Nebraska insurance producer license be revoked. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling the Respondent or the Department of Insurance to make application for such further orders as may be necessary.

Dated this 7 day of June 2012.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

  
Eric Dunning, 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 v. Timothy W. Thomas*, Cause No. A-1945.

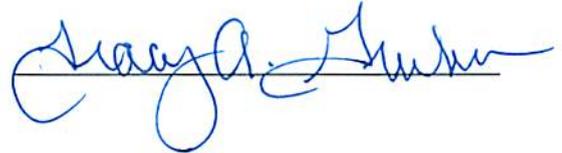
Dated this 12<sup>th</sup> day of June 2012.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

  
BRUCE R. RAMGE  
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 at same to his registered business address, 501 Plus Park Blvd., United Benefits of America, LLC, Nashville, TN 37211 by certified mail return receipt requested, and his registered home address 14 Tradition Lane, Brentwood, TN 27027 by First Class United States Mail on this 12<sup>th</sup> day of June 2012.

A handwritten signature in blue ink, appearing to read "Cheryl A. Fisher", is written over a horizontal line.