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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.)	
)	
JULIE LYNN ETCHISON,)	
National Producer #253987,)	CAUSE NO. A-1958
)	
RESPONDENT.)	

This matter came on for hearing on the 30th day of October 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. Julie Lynn Etchison, (“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 holds an insurance producer license. Her registered business address with the Department is PCCW Teleservices (US), Inc., 102 S. Market Street, Ottumwa, IA 52501-2921. Respondent’s registered home address with the Department is 1544 Mable Street, Ottumwa, IA 52501-3421. (Exhibit 2).
2. The Department is the agency of the State of Nebraska charged with licensing insurance producers in Nebraska.

3. On or about September 13, 2012, the Petition and Notice of Hearing were served upon the Respondent by mailing the same to her registered business address, by certified mail return receipt requested and to her registered home address by regular United States mail. On or about September 20, 2012, the certified letter was returned to the Department of Insurance marked "Return to Sender –Not Deliverable as Addressed -- Unable to Forward." To date, that Petition and Notice of Hearing has not been returned to the Department of Insurance and the Department has not been notified by the United States Postal Service that the item was undeliverable. (Exhibit 1 and Petition and Notice of Hearing).

4. On or about February 28, 2012, Cynthia Williamson, Insurance Investigator for the Department's Consumer Affairs Division, ("Investigator Williamson") sent a written letter of inquiry to Respondent asking Respondent to answer certain questions relating to a consumer complaint made by L.J. Dewey. The investigatory letter was sent via regular United States mail to Respondent's registered business address. As of October 29, 2012, Respondent had not responded to the letter. (Exhibit 3).

5. On or about March 26, 2012, Investigator Williamson sent a written letter of inquiry to Respondent asking Respondent to respond to previous unanswered questions and notifying Respondent that her failure to respond within fifteen working days may be construed as an unfair trade practice. The investigatory letter was sent via certified mail, return receipt requested, to Respondent's registered business address. On or about March 30, 2012, the United States Postal Service provided the Department with the return receipt card for the letter of inquiry dated March 26, 2012, confirming said letter was delivered and signed for on March 28, 2012. As of October 29, 2012, Respondent had not responded to the letter. (Exhibit 3)

6. On or about April 23, 2012, Investigator Williamson sent a letter of inquiry to Respondent asking Respondent to respond to previous unanswered questions and notifying Respondent that her failure to respond within fifteen working days may be construed as an unfair trade practice. The investigatory letter was sent via regular United States mail to Respondent's registered business address. On or about April 30, 2012, the United States Postal Service returned the letter of investigatory inquiry dated April 23, 2012, to the Department and marked the letter as "Return to Sender, Not Deliverable as Addressed, Unable to Forward." As of October 29, 2012, Respondent had not responded to the letter. (Exhibit 3)

7. On or about July 17, 2012, Investigator Williamson sent a letter of inquiry to Respondent asking Respondent to respond to previous unanswered questions and notifying Respondent that her failure to respond within fifteen business days may be construed as an unfair trade practice. The investigatory letter was sent via certified mail, return receipt requested, to Respondent's registered business address. On or about July 23, 2012, the United States Postal Service returned the letter of investigatory inquiry dated July 17, 2012, to the Department and marked the letter as "Moved Left No Address, Unable to Forward, Return to Sender." As of October 29, 2012, Respondent had not responded to the letter. (Exhibit 3)

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. §44-1525(11), which provides that "Any of the following acts or practices, if committed in violation of section 44-1524, shall be unfair trade practices in the business of insurance: . . . (11) Failure 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; . . .” as a result of the conduct set forth in Paragraphs 3 through 7 of the Findings of Fact.

4. Respondent violated Neb. Rev. Stat. §44-4059(1)(b) which provides 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 7 of the Findings of Fact.

5. Respondent violated Neb. Rev. Stat. §44-4059(1)(g) which provides that the Director may impose a fine, suspend or revoke an agent’s license if that person has “admitted or been found to have committed any insurance unfair trade practice, any unfair claims settlement practice, or fraud” as a result of the conduct set forth in Paragraphs 3 through 7 of the Findings of Fact.

DISCUSSION

Respondent’s failure to reply to repeated inquiries from the Department of Insurance has led to the Department’s inability to investigate matters under its jurisdiction. To date, the inability to communicate with Respondent due to her failure to respond leaves the Department without other opportunity to address consumer complaints. As Respondent’s failure to respond impedes the statutory responsibilities of the Nebraska Department of Insurance continues to be subject to the terms of Nebraska law, the Hearing Officer hereby recommends that Respondent’s insurance producer license be placed on suspended status until such time as she responds. In addition, Respondent should be required to pay an administrative penalty of \$1,000.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that the Respondent's Nebraska insurance producer license be placed on suspended status and Respondent shall pay an administrative penalty of \$1,000. Such license shall not be reinstated until such time as Respondent provides complete responses to Department of Insurance inquiries, and pays an administrative penalty of \$1,000. 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 first day of November, 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. Julie Lynn Etchison*, Cause No. A-1958.

Dated this 15th day of November, 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 Respondent by mailing a copy to Respondent's registered business address, PCCW Teleservices (US), Inc., 102 S. Market Street, Ottumwa, IA 52501-2921, by certified mail, return receipt requested, and to Respondent's registered home address, 1544 Mable Street, Ottumwa, IA 52501-3421, by regular U.S. Mail on this 15th day of November, 2012.



Tracy A. Etchison