

DEC 05 2012

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	FINDINGS OF FACT, CONCLUSIONS
DEPARTMENT OF INSURANCE,)	OF LAW, RECOMMENDED ORDER
)	AND ORDER
PETITIONER,)	
)	CAUSE NO. A-1960
VS.)	
)	
MICHAEL P. IPPOLITO,)	
NAIC NATIONAL PRODUCER)	
#9568283)	
)	
RESPONDENT.)	

This matter came on for hearing on November 13, 2012, before Matthew W. Holman, 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, Charles A. Hamilton. Michael P. Ippolito (“Respondent”) was not present and was not represented by counsel. The proceedings were tape recorded by Tracy Gruhn, 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 was a licensed non-resident insurance producer whose registered business address with the Department is 9 Misty Ct., South Hadley, MA 01075-1375. Respondent’s insurance producer license expired on June 30, 2012. (See Ex. 2)

3. On or about October 23, 2012, a Petition and Notice of Hearing was served upon Respondent by mailing the same to his registered address via certified mail, return receipt requested. (See Ex. 1)

4. On or about November 2, 2012, the Domestic Return Receipt attached to the certified letter was returned to the Department by the United States Postal Service indicating a delivery date of October 28, 2012. (See Ex. 1, Attachment 1)

5. On or about November 7, 2011, the Kansas Insurance Department issued a Summary Order revoking Respondent's Kansas non-resident insurance agent's license. This Summary Order became a Final Order on or about November 29, 2011. (See Ex. 1, Attachment 2)

6. On or about February 7, 2012, the Idaho Department of Insurance issued a Final Order revoking Respondent's Idaho non-resident insurance producer license. (See Ex. 1, Attachment 2)

7. On or about March 22, 2012, the Connecticut Insurance Department issued an Order for Default Judgment and Order of Revocation revoking Respondent's Connecticut non-resident insurance producer license. (See Ex. 1, Attachment 2)

8. On or about April 9, 2012, the Arkansas Insurance Department issued an order revoking Respondent's Arkansas non-resident producer license. (See Ex. 1, Attachment 2)

9. On or about April 27, 2012, the South Dakota Department of Labor and Regulation issued a final decision revoking Respondent's South Dakota non-resident insurance producer license. (See Ex. 1, Attachment 2)

10. Respondent failed to notify the Department of the adoption of the final order in any of the matters referenced in paragraphs 5 through 9 within thirty days from the date of the final order. (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. Under Neb. Rev. Stat. § 44-4059(5), the director retains authority to enforce the provisions of and impose any penalty or remedy authorized by the Insurance Producers Licensing Act even if the person's license or registration has lapsed by operation of law.

2. The Department has personal jurisdiction over Respondent.

3. Pursuant to Neb. Rev. Stat. § 44-4059(1), the director may suspend or revoke an insurance producer's license, or may levy an administrative fine for any one or more of the following causes: (b) violating any insurance law or violating any rule, regulation, subpoena, or order of the director or of another state's insurance commissioner or director, or (i) having an insurance producer license, or its equivalent, denied, suspended, placed on probation, or revoked in Nebraska or in any other state.

4. Respondent's non-resident insurance license was revoked in Kansas, Idaho, Connecticut, Arkansas, and South Dakota as described in Paragraphs 5 through 9 of the Findings of Fact.

5. Respondent violated Neb. Rev. Stat. § 44-4065(1), which requires an insurance producer to "report to the director any administrative action taken against the producer in another jurisdiction, by a professional self-regulatory organization such as the Financial Industry Regulatory Authority or a similar organization, or by another governmental agency within thirty days of the final disposition of the matter," as a result of the conduct set forth in Paragraphs 5 through 10 of the Findings of Fact.

DISCUSSION

Over the last year, Respondent has had a non-resident insurance producer license revoked in five other states as a result of various conduct. Respondent's failure to report these administrative actions constitutes a violation of Nebraska law. Reporting administrative actions to the Department is an affirmative duty placed on licensed insurance producers and one which is important to facilitate effective regulation. Respondent's Nebraska non-resident insurance producer license expired June 30, 2012. Under Neb. Rev. Stat. § 44-4059(5), the director retains authority to enforce provisions of the Insurance Producers Licensing Act even if the person's license or registration has lapsed by operation of law. As Respondent continues to be subject to the terms of Nebraska law, the Hearing Officer hereby recommends that Respondent's insurance producer license be placed on revoked status.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's Nebraska insurance producer license be placed on revoked status immediately upon the Director of Insurance or his designee signing the certificate adopting this Order.

Dated this 4 day of December, 2012.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Matthew W. Holman
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. Michael P. Ippolito,
Cause No. A-1960.

Dated this 5 day of December, 2012.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Bruce R. Range
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 and home address of 9 Misty Ct., South Hadley, MA 01075-1375 by certified mail, return receipt requested, and regular U.S. mail, on this 5th day of December, 2012.


