

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,)	
)	
VS.)	CAUSE NO. A-2000
)	
JOHN WILLIAM PRIBIL,)	
(NAIC National Producer #10162238),)	
)	
RESPONDENT.)	

This matter came on for hearing on April 30, 2014, 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, Krystle Ledvina Garcia. John William Pribil (“Respondent”) was not present and was not represented by counsel. The proceedings were recorded by Judy Meisner, a licensed Notary Public. The Department presented evidence at the hearing. The Department also requested that the record be held open for a period of two weeks so that certain certified records could be obtained from other state agencies and submitted as evidence. The record was held open for a period of two weeks, and the Department submitted the certified records from the Kentucky Department of Insurance on May 9, 2014. The certified records are marked as exhibit 10 and are made part of the record. 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.

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OF INSURANCE**

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2. Respondent is a licensed non-resident insurance producer in the State of Nebraska whose current registered business and residence address with the Department is 1890 NE 211th Terrace, Miami, FL 33179. (See Ex. 2).

3. On or about March 24, 2014, the Petition and Notice of Hearing were served upon Respondent by mailing the same to his registered business and residence address, by certified mail return receipt requested, and via regular U.S. mail. (See Ex. 1).

4. On or about April 3, 2014 the Domestic Return Receipt attached to the certified letter was returned to the Department by the United States Postal Service (“USPS”) confirming delivery. (See Ex. 1).

5. On or about September 16, 2013, the Kansas Insurance Department filed a final order revoking Respondent’s non-resident insurance producer license as a result of Respondent’s use of a false social security number on his application for appointment with Golden Rule Insurance Company. (See Ex. 3).

6. On or about September 20, 2013, the Kentucky Department of Insurance filed an order revoking Respondent’s non-resident insurance producer’s license as a result of Respondent’s use of a fraudulent social security number on his application for employment with Golden Rule Insurance Company. (See Ex. 9, 10).

7. On or about November 21, 2013, the Illinois Department of Insurance filed an order of revocation against Respondent as a result of Respondent’s use of a fraudulent social security number to gain employment. (See Ex. 4)

8. On or about December 3, 2013, the Arkansas Department of Insurance issued an order revoking Respondent’s non-resident insurance producer’s license as a result of Respondent’s failure to report the administrative action and revocation of his license in Kansas. (See Ex. 5).

9. On or about December 4, 2013, the Maine Department of Insurance issued an order revoking Respondent's non-resident insurance producer's license as a result of Respondent's failure to report the administrative actions and revocations of his license in Kansas and Kentucky. (See Ex. 6).

10. On or about January 24, 2013, the West Virginia Insurance Commissioner issued an order revoking Respondent's non-resident insurance producer's license as a result of Respondent's use of a fraudulent social security number and his failure to report administrative action taken against him in another jurisdiction. (See Ex. 7).

11. On or about February 14, 2014, the Louisiana Department of Insurance issued an order revoking Respondent's non-resident insurance producer's license as a result of Respondent's failure to report an administrative action in another jurisdiction. (See Ex. 8).

12. Respondent did not report any of the administrative actions referenced in paragraphs 5 through 11 to the Nebraska Department of Insurance within thirty days of the final disposition of the matter. (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 or revoke an insurance producer's license, or may levy an administrative fine for violating any insurance law or violating any rule, regulation, subpoena, or order of the director or of another state's insurance commissioner or director.

4. Pursuant to Neb. Rev. Stat. § 44-4059(1)(h), the director may suspend or revoke an insurance producer's license, or may levy an administrative fine for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere.

5. Pursuant to Neb. Rev. Stat. § 44-4059(1)(i), the director may suspend or revoke an insurance producer's license, or may levy an administrative fine for having an insurance producer license, or its equivalent, revoked in Nebraska or in any other state.

6. Pursuant to Neb. Rev. Stat. § 44-4065(1), licensees must provide notice to the director of any administrative action taken against the licensee in another jurisdiction within thirty days of final disposition of the matter.

7. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(b), 44-4059(1)(h), 44-4059(1)(i), and 44-4065(1) as a result of the conduct set forth in paragraphs 5 through 13 of the Findings of Fact.

DISCUSSION

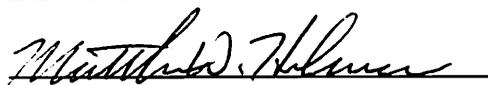
The uncontested evidence provided by the Department indicates that Respondent has been subject to at least seven administrative actions in other jurisdictions which have not been reported to the Department of Insurance as required by Neb. Rev. Stat. § 44-4065(1). All seven of these administrative actions have resulted in the revocation of Respondent's non-resident producer license. Each revocation constitutes a violation of Neb. Rev. Stat. § 44-4059(1)(i) and demonstrates incompetence and untrustworthiness in the conduct of business in this state and elsewhere. These violations are more than sufficient to justify revocation of Respondent's Nebraska non-resident insurance producer license. In light of the violations described above, the Hearing Officer hereby recommends that Respondent's non-resident insurance producer license be revoked.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's Nebraska non-resident insurance producer license be revoked. 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 further orders as may be necessary.

Dated this 16 day of May, 2014.

STATE OF NEBRASKA
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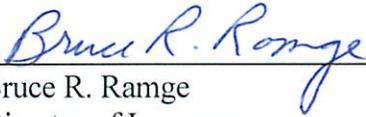

Matthew W. Holman
Hearing Officer

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. John William Pribil (NAIC National Producer #10162238), Cause No. A-2000.

Dated this 16 day of May, 2014.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Bruce R. Ronge
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 residence address, 1890 NE 211th Terrace, Miami FL 33179-1527 via certified mail, return receipt requested and regular U.S. mail on this 16 day of May, 2014.

