NEBRASKA DEPARTMENT
OF INSURANCE

DEC 21 2015

FILED

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

STATE OF NEBRASKA DEPARTMENT OF INSURANCE, PETITIONER, VS. RODOLFO JIMENEZ (NAIC National Producer #9431075), RESPONDENT.	)))))))))))	FINDINGS OF FACT, CONCLUSIONS OF LAW, RECOMMENDED ORDER AND ORDER CAUSE NO. A-2024

This matter came on for hearing on December 16, 2015, 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. Rodolfo Jimenez ("Respondent") was not present and was not represented by counsel. The proceedings were recorded by Brandis Courser, 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 in the State of Nebraska whose registered business address with the Department is 9797 Springboro Pike, Dayton, OH 45448. Respondent's registered residence address with the Department is 1141 Hollow Oak, Miamisburg, OH 45342. Respondent's insurance producer license expired on May 31, 2015. (See Ex. 2).

3. On or about October 9, 2015, the Petition and Notice of Hearing were served upon Respondent by mailing the same to his registered business address via certified mail return receipt requested, and to his registered home address via certified mail, return receipt requested, and via regular U.S. mail. All three of these inquiries were returned to the Department undeliverable, though one returned envelope contained a forwarding address of 254 S. Findlay Street, Dayton, OH 45403-2667. (See Ex. 1).

4. On or about October 29, 2015, the Petition and Notice of Hearing were served upon Respondent by mailing the same to his forwarding address via certified mail, return receipt requested, and via regular U.S. mail. This certified mailing was returned unclaimed, while the regular U.S. mailing has not been returned to the Department. (See Ex. 1).

5. On or about November 10, 2015, copies of the Motion for Continuance and Order Granting Motion for Continuance were served on Respondent by mailing the same to his forwarding address via certified mail, return receipt requested, and via regular U.S. mail. This certified mailing was returned unclaimed, while the regular U.S. mailing has not been returned to the Department. (See Ex. 1).

6. Between May 29, 2014 and January 16, 2015, Respondent was subject to administrative action against his insurance producer license, or its equivalent, by the following state agencies: the Utah Insurance Department, the North Dakota Insurance Department, the Ohio Department of Insurance, the Commonwealth of Virginia State Corporation Commission, and the South Dakota Department of Labor and Regulation. As a result of these actions, Respondent's insurance producer license, or its equivalent, was revoked by the North Dakota Department of Insurance, the Commonwealth of Virginia State Corporation Commission, and the South Dakota Department of Labor and Regulation. (See Ex. 3).

7. Respondent did not report any of the administrative actions referenced in paragraph 6 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. 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; (h) using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere; 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. Pursuant to Neb. Rev. Stat. § 44-4065(1), licensees must provide notice to the director of any administrative action taken against their licensee in another jurisdiction within thirty days of final disposition of the matter.

5. 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 6 and 7 of the Findings of Fact.

DISCUSSION

The Department provided sufficient evidence to show that reasonable notice of these proceedings was provided to Respondent. The uncontested evidence provided by the Department indicates that Respondent has been subject to at least five administrative actions in other jurisdictions which have not been reported to the Department of Insurance as required by Neb. Rev. Stat. § 44-4065(1). Three 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 18 day of December, 2015.

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. Rodolfo Jimenez (NAIC National Producer #9431075), Cause No. A-2024.

Dated this 21 day of December, 2015.

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's forwarding address, 254 S. Findlay Street, Dayton, OH 45403-2667 via certified mail, return receipt requested and regular U.S. mail on this 22 day of December, 2015.