

APR 01 2016

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	FINDINGS OF FACT, CONCLUSIONS
)	OF LAW, RECOMMENDED ORDER
PETITIONER,)	AND ORDER
)	
VS.)	CAUSE NO. A-2032
)	
GERALD C. BRYCE)	
(NAIC National Producer #2754424),)	
)	
RESPONDENT.)	

This matter came on for hearing on March 31, 2016, 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. Gerald C. Bryce (“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 and residential address with the Department is 17040 NW 48th Street, Raymond, NE 68428. Respondent’s insurance producer license expired on February 28, 2014. (See Ex. 2).

3. On or about February 16, 2016, the Petition and Notice of Hearing were served upon Respondent by mailing the same to his registered address via certified mail return receipt requested and regular U.S. mail, and to his current address in federal prison, USP Leavenworth, U.S. Penitentiary, P.O. Box 100, Leavenworth, KS 66048 via certified and regular U.S. mail. Delivery of the Petition and Notice of Hearing served upon respondent at his address in federal prison was confirmed by the United States Postal Service on or about February 25, 2016. (See Ex. 1).

4. On or about November 18, 2014, an amended information was filed in the United States District Court for the District of Nebraska charging Respondent with violating Title 18, United States Code, Section 1341 related to his implementation of a scheme to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises. (See Ex. 4).

5. On or about November 18, 2014, Respondent pleaded guilty to one count of felony mail fraud pursuant to Title 18, United States Code, Section 1341. (See Ex. 4).

6. On or about March 28, 2016, the Nebraska Department of Insurance received a letter from Respondent in which Respondent agreed that the Department should revoke his insurance license. (See Ex. 5).

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; (d) improperly withholding, misappropriating, or converting any money or property received in the course of doing insurance business; (f) having been convicted of a felony or a Class I, II, or III misdemeanor; (g) having admitted or been found to have committed any insurance unfair trade practice, any unfair claims settlement practice, or fraud; or (h) using fraudulent, coercive, or dishonest practices, or demonstrative incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere.

4. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(b), 44-4059(1)(d), 44-4059(1)(f), 44-4059(1)(g), and 44-4059(1)(h) as a result of the conduct set forth in paragraphs 4 through 6 of the Findings of Fact.

DISCUSSION

The Department provided sufficient evidence to show that notice of these proceedings was provided to Respondent. The uncontested evidence provided by the Department indicates that Respondent has been convicted of felony mail fraud. In his sentencing hearing, Respondent specifically pleaded guilty to using his position as an insurance agent and the United States Postal Service to materially obtain money through materially false and fraudulent pretenses by collecting insurance premiums from at least four victims and not submitting those insurance premiums to the insurance company. In light of this information, it is clear that Respondent is not fit to maintain an insurance producer license in the State of Nebraska. 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 1 day of April, 2016.

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. Gerald C. Bryce (NAIC National Producer #2754424), Cause No. A-2032.

Dated this 1 day of April, 2016.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE


Bruce R. Ramage
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 current address in federal prison, USP Leavenworth, U.S. Penitentiary, P.O. Box 100, Leavenworth, KS 66048 via certified mail, return receipt requested and regular U.S. mail on this 1 day of April, 2016.

Brandis Causey