

AUG 31 2016

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-2041
VS.)	
)	
KEYON ANTHONY MOORE)	
(NAIC National Producer #16111380),)	
)	
RESPONDENT.)	

A pre-hearing conference in this matter was held at Keyon Anthony Moore's ("Respondent") request on August 19, 2016. At the pre-hearing conference it was determined that Respondent would appear at the hearing via telephone, and that all written evidence would be submitted by August 22, 2016 at 4:00 p.m. This matter came on for hearing on August 23, 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. Respondent was present via telephone, but was not represented by counsel. The proceedings were recorded by Brandis Courser, a licensed Notary Public. The parties 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 current registered business and residence address with the Department is 1433 SW 119th Avenue, Pembroke Pines, FL 33025-5779. (See Ex. 2).

3. On or about July 20, 2016 the Petition and Notice of Hearing were served upon Respondent by mailing the same to his registered business and home address via certified mail return receipt requested, and via regular U.S. mail. (See Ex. 1).

4. On or about March 7, 2016, the Commonwealth of Kentucky Department of Insurance revoked Respondent's non-resident insurance agent license. (See Ex. 3).

5. On or about June 20, 2016, Respondent uploaded two documents to the National Insurance Producer Registry, including a copy of the Kentucky Revocation Order and a letter from Respondent addressing the revocation. (See Ex. 2).

6. Respondent did not report the administrative action referenced in paragraph four 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 four through six of the Findings of Fact.

DISCUSSION

The evidence provided by the Department shows that Respondent's non-resident insurance producer license was revoked by the Commonwealth of Kentucky Department of Insurance related to underlying fraudulent activities reported by Humana Insurance Company. The evidence also shows that Respondent did not report this administrative action to the Nebraska Department of Insurance within thirty days as is required by Nebraska law. The 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, and the failure to timely report constitutes a violation of Neb. Rev. Stat. § 44-4065(1).

At the hearing, Respondent submitted significant evidence addressing his appointment termination by Humana Insurance Company and the underlying fraud investigation and allegations from the Kentucky Department of Insurance. While potentially applicable to the Kentucky Department of Insurance's allegations, the underlying fraud allegations are not at issue in this case. The Department has alleged that Respondent's non-resident license was revoked in Kentucky and that Respondent failed to timely report the administrative action to the Nebraska Department of Insurance. Respondent submitted no evidence to refute these allegations.

Respondent's explanatory letter and testimony at the hearing indicates that in December 2015 he stopped paying close attention to letters he was sent from different states regarding his insurance producer license. This was why he did not realize his license was subject to administrative action in Kentucky. Again, while the underlying allegations of fraud are not at issue in this case, ignoring mail from state insurance regulators is further evidence of Respondent's incompetence in his business in this state or elsewhere in violation of Neb. Rev. Stat. § 44-4059(1)(h).

Without addressing the reasons for the license revocation in Kentucky, the allegations alleged and proved by the Department of Insurance 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 31st day of August, 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. Keyon Anthony Moore (NAIC National Producer #16111380), Cause No. A-2041.

Dated this 31 day of August, 2016.

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 residence address, 1433 SW 119th Ave., Pembroke Pines, FL 33025 via certified mail, return receipt requested and regular U.S. mail on this 31 day of August, 2016.


