

APR 06 2017

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	
)	FINDINGS OF FACT,
PETITIONER,)	CONCLUSIONS OF LAW,
)	RECOMMENDED ORDER AND
VS.)	ORDER
)	
KEVIN SANT)	CAUSE NO. A-2057
(NAIC National Producer # 13932173),)	
)	
RESPONDENT.)	

This matter came on for hearing on March 22, 2017, before Laura L. Arp, 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, Matthew W. Holman. Respondent Kevin Sant was not present. The proceedings were recorded by Brandis Courser, a licensed Notary Public. Exhibits 1 through 3 were received, and the matter was taken under advisement. As a result of the hearing and evidence, the hearing officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. Respondent is a licensed non-resident insurance producer. Respondent’s registered business and residence address with the Department is 6530 NW 29th Street, Sunrise, FL 33313. (E1).
2. The Department of Insurance is the duly designated agency of the State of Nebraska empowered to exercise jurisdiction and control over the licensing of insurance agents in Nebraska pursuant to Neb. Rev. Stat. § 44-101.01 and § 44-4047 et seq. Said jurisdiction and control have been present at all times material hereto.

3. The Petition and Notice of Hearing in this matter were sent via certified mail, return receipt requested, and by regular U.S. mail to Respondent at the address Respondent provided to the Department's licensing division as his home, business, and mailing address. (E1, 2).

4. On or about September 21, 2016, the Department received a complaint against Respondent. A Department investigator sent an inquiry letter to the involved insurance company and received a response that included a copy of an email from Respondent to an employee of the insurance company. Respondent's email address used to respond to the insurance company was kevin6530@gmail.com. (E3).

5. The Department investigator sent an inquiry letter to Respondent at his registered business, residential, and mailing address on October 21, 2016, and sent a copy to the email address Respondent used to communicate with the insurance company. (E3).

6. The Department investigator received a read-receipt email confirming that Respondent viewed the October 21, 2016 email, and as of March 10, 2017, the October 21, 2016 letter had not been returned to the Department. (E3).

7. On or about November 14, 2016, the Department investigator sent a follow-up email to Respondent at the same email address, and while a delivery receipt was received, no read-receipt was received. (E3).

8. On or about December 8, 2016, the Department investigator sent a second follow-up inquiry to Respondent via certified mail, return receipt requested, to Respondent's registered home, business, and mailing address, and the mailing was returned to the Department marked, "Return to sender, unclaimed, unable to forward." (E3).

9. On or about January 4, 2017, the Department investigator sent a third follow-up inquiry to Respondent's registered home, business, and mailing address via certified mail, return

receipt requested, and on January 12, 2017, the return receipt for the inquiry was returned to the Department, indicating proper delivery. (E3).

10. On or about January 31, 2017 and February 1, 2017, the Department investigator sent a fourth follow-up inquiry to Respondent via email, asking for immediate response. The investigator received an email received receipt, but no read-receipt was received. (E3).

11. As of March 10, 2017, the Department had not received a response from Mr. Sant from any of the above described inquiries.

CONCLUSIONS OF LAW

1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance 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), the Director of Insurance has authority to suspend, revoke or refuse to issue or renew an insurance producer's license or levy an administrative fine if the insurance producer: . . . (b) violates any insurance law, rule, or regulation, . . . or (h) uses fraudulent, coercive, or dishonest practices, or demonstrates incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere.

4. Pursuant to Neb. Rev. Stat. § 44-1524 and § 44-1525(11), failure to respond to a written inquiry from the Department within fifteen business days of receipt constitutes an unfair insurance practice, if committed with such frequency as to indicate a general business practice to engage in that type of conduct.

5. Respondent's conduct, as set forth in paragraphs 4 to 11 of the Findings of Fact above, violated § 44-1524 and § 44-1525(11), and § 44-4059(1)(b) and (h).

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent be ordered to pay an administrative fine in the amount of two hundred dollars (\$200.00) within thirty days from the date the Director adopts this Order. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling Respondent or the Department to make application for such further orders as may be necessary.

Dated this 6th day of April, 2017.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



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 final Order of this Department in the matter of the State of Nebraska Department of Insurance v. Kevin Sant, Cause No. A-2057.

Dated this 6 day of April, 2017.

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 Respondent by mailing a copy to Respondent's registered home, business, and mailing address, 6530 NW 29th Street, Sunrise, FL 33313, via certified mail, return receipt requested and via regular US mail, on this 7 day of April, 2017.

Brandis Couser