

JUL 03 2017

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-2066
	)	
JAMES KEENEY	)	
(NAIC National Producer #17547665),	)	
	)	
RESPONDENT.	)	

This matter came on for hearing on June 15, 2017, 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 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 consultants.
2. Respondent is a licensed non-resident insurance consultant in the State of Nebraska whose current registered business address with the Department is 1503 Washington St, Chillicothe, MO 64601 and whose registered residence address with the Department is 13257 CR 201, Bogard, MO 64622. (See Ex. 2).

3. On or about April 27, 2017 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 residence address via regular U.S. mail. (See Ex. 1).

4. On or about April 20, 2015, Respondent was granted a non-resident insurance consultant license in Nebraska. (See Ex. 2).

5. On or about June 17, 2015, Respondent entered into a consent order with the State of Georgia under which he was issued a non-resident public adjuster license on a probationary status. (See Ex. 2).

#### CONCLUSIONS OF LAW

1. The Department has broad jurisdiction, control, and discretion over the licensing of insurance consultants in the State of Nebraska pursuant to Neb. Rev. Stat. §§ 44-101.01 and 44-2606 through 44-2635.

2. The Department has personal jurisdiction over Respondent.

3. Pursuant to Neb. Rev. Stat. § 44-2633(7), the director may revoke, suspend, or place on probation, for such period as he or she may determine, the license of any consultant if, after notice and hearing, he or she determines that the license has had a consultant's license suspended, revoked, or placed on probation in any other state.

4. Pursuant to Neb. Rev. Stat. § 44-2634, any person violating sections 44-2606 to 44-2635 may after notice and hearing be subject to an administrative fine of not more than five hundred dollars per violation.

5. Respondent violated Neb. Rev. Stat. §§ 44-2633(7) as a result of the conduct set forth in the Findings of Fact.

DISCUSSION

The uncontested evidence provided by the Department shows that Respondent is a licensed non-resident insurance consultant and that service was proper. The evidence also shows that while licensed in Nebraska Respondent had his non-resident public adjuster license placed on probation in the state of Georgia. Nebraska requires public adjusters to be licensed as insurance consultants, so for purposes of Neb. Rev. Stat. § 44-2633(7), administrative action on Respondent's Georgia public adjuster license is equivalent to action against an "insurance consultant license in another state."

In light of the violations described above, the Hearing Officer hereby recommends that Respondent be subject to an administrative fine of two hundred dollars.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent be subject to an administrative fine of two hundred dollars (\$200) due within thirty days of 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 of Insurance to make application for such further orders as may be necessary.

Dated this 27<sup>th</sup> day of June, 2017.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE



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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. James Keeney (NAIC National Producer #17547665), Cause No. A-2066.

Dated this 3 day of July, 2017.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE



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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, 1503 Washington St, Chillicothe, MO 64601 via certified mail, return receipt requested and to Respondent's registered home address, 13257 CR 201, Bogard, MO 64622 via certified mail, return receipt requested and via regular U.S. mail on this 3 day of July, 2017.

