

JUL 07 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-2073
	)	
GINA NISTA	)	
(NAIC National Producer #8333800),	)	
	)	
RESPONDENT.	)	

This matter came on for hearing on June 29, 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. Gina Nista (“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, including a letter submitted by Respondent regarding 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 is a licensed non-resident insurance producer in the State of Nebraska whose current registered business address with the Department is 6300 Wilson Mills Road, Mayfield Village, OH 44143. Respondent’s registered residence address is 5723 Shawnee Road, Lyndhurst, OH 44124. (See Ex. 2).

3. On or about May 19, 2017 the Petition and Notice of Hearing were served upon Respondent by mailing the same to her registered business and home addresses via certified mail return receipt requested, and via regular U.S. mail. (See Ex. 1).

4. On or about January 19, 2016, the Respondent's Ohio resident insurance producer license was suspended. (See Ex. 2).

5. On or about June 16, 2016, Respondent applied for the renewal of her Nebraska non-resident insurance producer license and indicated on the renewal application that she has never been named as a party in an administrative proceeding regarding any professional or occupational license or registration. (See Ex. 2).

6. Between August 22, 2016 and April 13, 2017 Respondent had nonresident insurance producer licenses revoked in Delaware, South Dakota, and North Dakota related to her failure to report administrative action and for having an insurance license suspended or revoked in another state. (See Ex. 2).

7. Respondent did not report the above any of the above referenced administrative actions within thirty days of final disposition. (See Ex. 2 and 3).

#### 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)(a), the director may suspend or revoke an insurance producer's license, or may levy an administrative fine for providing incorrect, misleading, incomplete, or materially untrue information in the license application.

4. 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.

5. 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.

6. 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 denied, suspended, placed on probation, or revoked in Nebraska or any other state, province, district, or territory.

7. 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.

8. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(a), 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 the Findings of Fact.

#### DISCUSSION

The uncontested evidence provided by the Department shows that Respondent has had her insurance producer license revoked in multiple jurisdictions and failed to timely report multiple administrative actions to the Department. Further, Respondent provided untrue information in her license renewal application. This conduct is more than sufficient to justify revocation of Respondent's non-resident insurance producer license.

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 6 day of July, 2017.

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. Gina Nista (NAIC National Producer #8333800), Cause No. A-2073.

Dated this 7 day of July, 2017.

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 address, 6300 Wilson Mills Road, Mayfield Village, OH 44143 via certified mail, return receipt requested and regular U.S. mail and to Respondent's registered residence address at 5723 Shawnee Road, Lyndhurst, OH 44124 via regular U.S. mail on this 7 day of July, 2017.

A handwritten signature in blue ink, reading "Brandon J. Bauer", is written over a horizontal line.