

NOV 14 2017

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

FILED

IN THE MATTER OF THE DENIAL OF )	FINDINGS OF FACT, CONCLUSIONS
APPLICATION FOR LICENSE )	OF LAW, RECOMMENDED ORDER
FOR KOEN VAN KEER )	AND ORDER
)	
)	CAUSE NO. A-2089
)	
)	

A pre-hearing conference in this matter was held at Koen Van Keer's ("Applicant") request on October 10, 2017. At the pre-hearing conference it was determined that Applicant would appear at the hearing via telephone, and that all written evidence would be submitted by October 18, 2017 at 12:00 p.m. This matter came for hearing on the 19th day of October, 2017, before Matthew 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. Applicant was not represented by counsel and participated in the hearing via telephone. The proceedings were digitally recorded by Brandis Bauer, a licensed Notary Public. Evidence was received, testimony was adduced and the matter was taken under advisement. As a result of the hearing, the hearing officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. On or about August 25, 2017, Applicant submitted an application to the Nebraska Department of Insurance for a non-resident insurance producer license. On the license application, Applicant answered "yes" to background question two indicating he has been involved in an

administrative action regarding a professional or occupational license. Applicant submitted supporting documentation indicating that on or about August 16, 2017 he was issued a resident Personal Lines Property and Casualty Insurance License on a probationary status by the Texas Department of Insurance. (Ex. 2)

2. The basis for Texas issuing Applicant a probationary license is a 2000 Order Deferring Adjudication of Guilt in the District Court of Collin County, Texas (“Order”), under which Applicant was placed on community supervision for a period of four years for the offense of Misapplication of Fiduciary Funds. (Ex. 2, 3 and Applicant’s testimony)

3. On or about September 7, 2017, Kevin Schlautman, Licensing Administrator for the Nebraska Department of Insurance, denied Applicant’s application for a Nebraska non-resident insurance producer license, and notified Applicant of said denial, on the basis of having an insurance producer license placed on probation in another state. (Ex. 2)

4. On or about October 5, 2017, the Department received written correspondence from Applicant, pursuant to Neb. Rev. Stat. § 44-4059(2), requesting an administrative hearing regarding the denial of his non-resident insurance producer license application. (Ex. 2)

5. On or about October 6, 2017, proper notice of the hearing was provided to Applicant. (Ex 1)

6. At the hearing, Applicant testified about his criminal history and the facts surrounding it. He also testified that he currently has a job for Liberty Mutual Insurance Company which requires him to work in a call center handling only in-bound calls. This job requires him to be licensed in all fifty states.

7. Applicant submitted multiple recommendation letters from former coworkers. (Ex. 3)

## DISCUSSION

While Applicant's receipt of a probationary insurance producer license in Texas is a sufficient basis for the denial of Applicant's Nebraska insurance producer license application, such denial is discretionary, not mandatory. The basis of the issuance of the Texas probationary license was a prior Order placing Applicant on community supervision without adjudication of guilt. Applicant testified that the Order was the result of a scheme he committed while working retail. Specifically, he would take items from the store at which he was employed and return them the next day for cash. Applicant testified that this conduct occurred in 1997, and that since the Order he has had no other criminal history. The sole basis for the denial of Applicant's Nebraska non-resident insurance producer application was the issuance of a probationary license by the Texas Department of Insurance.

Texas's issuance of the probationary license is of serious concern, however the underlying conduct occurred when Applicant was a teenager and he has had no criminal history in the past twenty years. Applicant was forthcoming of this information in his license application and has accepted responsibility for his past conduct. Furthermore, should Applicant lose his probationary license in Texas, or be subject to any additional administrative action, the Nebraska Department of Insurance has further recourse.

In light of the above, it is my recommendation that the denial of Applicant's application for a Nebraska non-resident insurance producer license be overturned.

CONCLUSIONS OF LAW

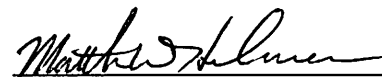
1. The Department has broad jurisdiction, control and discretion over the licensing of Applicant to sell insurance in the State of Nebraska pursuant to Neb. Rev. Stat. §§ 44-101.01 and 44-4047 to 44-4067.
2. The Department has personal jurisdiction over Applicant.
3. The Director may deny the issuance of an insurance producer license on the basis of Applicant's previous receipt of a probationary insurance producer license in another state pursuant to Neb. Rev. Stat. § 44-4059(1)(i).

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Applicant have his Nebraska non-resident insurance producer license application approved. The Nebraska Department of Insurance will continue to retain jurisdiction over this matter.

Dated this 14<sup>th</sup> day of November, 2017.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE



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MATTHEW 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

the Department in the matter of the Denial of Application for License for Koen Van Keer, Cause No. A-2089.

Dated this 14 day of November, 2017.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

  
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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 Applicant, Koen Van Keer, by mailing a copy to him at 545 Eisenhower Ln, Lavon, TX 75166, via certified mail, return receipt requested and by regular United States mail, and via e-mail at ktlvankeer@gmail.com, on this 14 day of November 2017.

  
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