

3. On or about December 17, 2018, the Petition and Notice of Hearing were served upon Respondent by mailing the same to his registered business and residence address, by certified mail return receipt requested, and via regular U.S. mail. (Ex. 1).

4. To date, the return receipt and the correspondence sent via regular U.S. mail have not been returned to the Department, and the Department has not received notification that the correspondence was otherwise undeliverable. (Ex. 1, Attachment 1).

5. On or about June 2, 2017, Respondent's non-resident insurance producer license renewal application was denied by the South Dakota Division of Insurance, based on Respondent's demonstrated lack of fitness or trustworthiness; failure to report other state administrative action; failure to remit premiums to the insurer; and failure to respond. (Ex. 3, Attachment 1).

6. Between September 26, 2017, and July 30, 2018, six other states (California, Delaware, Idaho, Louisiana, Maine, and Washington) revoked Respondent's non-resident producer licenses, and the State of Texas revoked Respondent's resident producer license. The licenses were revoked for failing to remit premiums to the insurer; misappropriation of premiums; demonstrated lack of fitness and trustworthiness; failure to report other state administrative action; and failure to respond. (Ex. 3, Attachment 1).

7. To date, Respondent has not reported the above referenced administrative actions to the Department. (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)(d), the director may suspend or revoke an insurance producer's license, or may levy an administrative fine for improperly withholding, misappropriating, or converting any money or property received in the course of doing business.
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 in any other state, province, district, or territory.

7. Pursuant to Neb. Rev. Stat. §44-4059(1)(o), the director may suspend or revoke an insurance producer's license, or may levy an administrative fine for failing to maintain in good standing a resident license in the insurance producer's home state.

8. Pursuant to Neb. Rev. Stat. §44-4065(1), "an insurance producer shall report to the director any administrative action taken against the producer in another jurisdiction, by a professional self-regulatory organization such as the Financial Industry Regulatory Authority or a similar organization, or by another governmental agency within thirty days of the final disposition of the matter. This report shall include a copy of the order, consent to order, or other relevant legal documents."

9. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(b), 44-4059(1)(d), 44-4059(1)(h), 44-4059(1)(i), 44-4059(1)(o), and 44-4065(1), as a result of the conduct set forth in paragraphs 5 through 7 of the Findings of Fact.

DISCUSSION

The Department presented sufficient evidence to show Respondent received proper notice of these proceedings. The uncontested evidence shows Respondent's licenses have been revoked in an alarming number of jurisdictions. These sister jurisdictions found Respondent engaged in a consistent pattern of unprofessional conduct and failure to report numerous administrative actions, as well as consistently failing to respond to regulatory inquiries. Equally concerning, the evidence demonstrates Respondent failed to report any of these administrative actions to the Department. In addition, Respondent's troubled history of administrative actions, and failure to report same, clearly demonstrate a high level

of untrustworthiness and dishonesty incompatible with the high moral and ethical standards required of a licensed insurance producer.

Finally, it is significant to note Respondent failed to respond to the Department's Petition and otherwise failed to participate in these proceedings. Based on Respondent's lack of concern with these proceedings, it is safe to conclude Respondent has no interest in retaining his Nebraska non-resident producer license.

Based on the serious nature of the evidence presented, and considering the totality of the circumstances involved, revocation of Respondent's non-resident insurance producer license is appropriate in this case.

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 January, 2019.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Robert E. Harkins
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. David Wayne Judge (NAIC Producer #9779976), Cause No. A-2171.

Dated this 5 day of February, 2019.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Bruce R. Ramage
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 home address, 1410 Quanah Court, Allen TX 75013, via certified mail, return receipt requested and via regular U.S. mail on this 5 day of February, 2019.

