

MAY 30 2019

FILED

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

STATE OF NEBRASKA	)	
DEPARTMENT OF INSURANCE,	)	FINDINGS OF FACT, CONCLUSIONS
	)	OF LAW, RECOMMENDED ORDER
PETITIONER,	)	AND ORDER
	)	
VS.	)	CAUSE NO. A-2181
	)	
JEFFREY THOMPSON,	)	
(NAIC Producer #6732506),	)	
	)	
	)	
RESPONDENT.	)	

This matter came on for hearing on May 2, 2019, before Krystle Ledvina Garcia, 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, Robert Harkins. Jeffrey Thompson (“Respondent”) was not present and was not represented by counsel. The proceedings were recorded by Brandis Bauer, 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 producers.
2. Respondent is a licensed non-resident insurance producer in the State of Nebraska whose current registered business address with the Department is 1979 W. Littleton Blvd., Littleton, CO 80127, and whose registered residence address with the Department is 50 Willowleaf Dr., Littleton, CO 80127. (See Ex. 2).

3. On or about April 1, 2019, 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. The Petition and Notice of Hearing were also mailed to 4131 South Splendor Court, Gilbert, AZ 85297 via regular U.S. mail, which was another potential address for Respondent. This was the mailing address listed on a petition filed against Respondent in the State of Colorado. (See Ex. 1 & Ex. 2, Attachment 2).

4. On or about April 15, 2019, the Petition and Notice of Hearing mailed to Respondent's registered business address via certified mail was returned to the Department by the United States Postal Service ("USPS") as "Return to Sender. Not Deliverable as Addressed. Unable to Forward." (See Ex. 1, Attachment 1).

5. On or about April 15, 2019, the Petition and Notice of Hearing mailed to Respondent's registered business address via regular U.S. mail was returned to the Department by the USPS as "Return to Sender. Not Deliverable as Addressed. Unable to Forward." (See Ex. 1, Attachment 2).

6. On or about April 15, 2019, the Petition and Notice of Hearing mailed to Respondent at 4131 South Splendor Court, Gilbert, AZ 85297 via regular U.S. mail was returned to the Department by the USPS as "Return to Sender. Attempted-Not Known. Unable to Forward." (See Ex. 1, Attachment 3).

7. On or about April 19, 2019, the Petition and Notice of Hearing mailed to Respondent's registered residence address via certified mail was returned to the Department by the USPS as "Return to Sender. Attempted-Not Known. Unable to Forward." (See Ex. 1, Attachment 4).

8. On or about April 25, 2019, the Petition and Notice of Hearing mailed to Respondent's registered residence address via regular U.S. mail was returned to the Department by the USPS as "Return to Sender. Not Deliverable as Addressed. Unable to Forward." (See Ex. 1, Attachment 5).

9. On or about February 13, 2019, the Securities Commissioner for the State of Colorado in Case No. 2018-CDS-081 signed a Consent Order in which Respondent agreed to a permanent revocation of his Colorado investment adviser representative license (CRD #2732245). (See Ex. 2, Attachment 2).

10. Respondent did not report the administrative action taken by the Colorado Division of Securities referenced in Paragraph 9 to the Nebraska Department of Insurance within thirty days of the final disposition of the matter. (See 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)(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.

5. Pursuant to Neb. Rev. Stat. § 44-4065(1), licensees must provide notice to the director of any administrative action taken against the licensee by a professional self-regulatory organization such as FINRA within thirty days of final disposition of the matter.

6. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(b), 44-4059(1)(h), and 44-4065(1) as a result of the conduct set forth in paragraphs 9 through 10 of the Findings of Fact.

#### DISCUSSION

The Department provided evidence of its attempt to provide the Respondent with notice of these proceedings by certified mail, return receipt requested, and by regular U.S. mail to Respondent's registered business address and registered home address. In addition, the Department also mailed these proceedings to the last known address included on a Petition filed by the Colorado Division of Securities. This evidence was sufficient to show reasonable notice of these proceedings was provided to Respondent. Ultimately, it is the Respondent's responsibility to maintain an updated and correct address to ensure he is receiving correspondence from the Department.

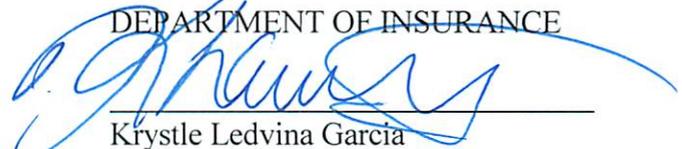
Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(b) and 44-4065(1) by failing to notify the Department of an administrative action taken by The Colorado Division of Securities in 2019. The Department presented evidence that Respondent entered into a consent order with the Colorado Division of Securities and agreed to a permanent revocation of his Colorado investment adviser representative license. Failing to inform the Department of this action also demonstrates untrustworthiness in the business of insurance in violation of Neb. Rev. Stat. § 44-4059(1)(h).

These violations are more than sufficient to justify revocation of Respondent's Nebraska 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 29<sup>th</sup> day of May, 2019.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE  
  
\_\_\_\_\_  
Krystle Ledvina Garcia  
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. Jeffrey Thompson (NAIC Producer #6732506), Cause No. A-2181.

Dated this 30 day of May, 2019.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

  
\_\_\_\_\_  
Bruce R. Rame  
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 1979 W. Littleton Blvd., Littleton, CO 80127, via certified mail, return receipt requested and to his registered residence address at 50 Willowleaf Dr., Littleton, CO 80127 via regular U.S. mail on this 31 day of May, 2019.

  
\_\_\_\_\_