

suspended for one year and he was ordered to pay a \$500 fine for violating Neb. Rev. Stat. §§ 44-4028(6) and 44-4028(11). At that time, Respondent had been a licensed insurance producer since 1979. (See Ex. 5, Attachment 1).

3. On or about April 6, 2001, an administrative order was issued by the Director of the Nebraska Department of Insurance in Cause Number A-1429, State of Nebraska Department of Insurance vs. Richard Mark Hill. The Director revoked Applicant's insurance producer license for failing to pay the \$500 fine assessed in Cause Number A-1399, State of Nebraska Department of Insurance vs. Richard Mark Hill. (See Ex. 5, Attachment 4).

4. On or about April 12, 2019, the Department denied Applicant's application for licensure. The Department denied the application based upon Neb. Rev. Stat. § 44-4059(1)(i) due to the suspension and revocation of his insurance license. This correspondence was mailed to Applicant at the address he provided on his license application, 6705 SW 16th Street, Lincoln, NE 68523, via Certified U.S. mail, return receipt requested. On or about May 8, 2019, the certified mail was returned to the Department by the United States Postal Service ("USPS") as "Return to Sender. Unclaimed. Unable to Forward." (See Ex. 5, Attachment 1 & Attachment 7).

5. On or about April 14, 2019, Applicant contacted the Department via e-mail to inquire about his licensing application. On or about April 16, 2019, the Department provided Applicant an electronic copy of the letter referenced in Paragraph 4. (See Ex. 5, Attachment 5).

6. On or about April 18, 2019, Applicant made a timely request for a hearing. (See Ex. 5, Attachment 6).

7. At the hearing, Applicant discussed the facts and circumstances of his insurance license suspension and revocation. He testified that at the time of the administrative action he had been a licensed insurance agent for twenty years without incident. He was overwhelmed with a new

insurance product that he was not properly trained to sell. He failed to have the client sign the application in all the proper places. He called the client and asked to photocopy the client's signature and affix the photocopied signature to the signature lines on the application. With the client's permission, he did this. At the time, he did not think he was breaking any laws because he had the client's permission. He testified that he understands now that his actions violated the law and in the future, will ask his employer for additional guidance. Applicant explained that his license was ultimately revoked because he failed to pay the \$500 fine assessed in the first administrative action. He did not pay the fine because he did not have the money. Applicant further testified that he would like to return to the business of insurance because he wants to help consumers and believes in the mission of the agency. Applicant testified that he is not a threat to insurance consumers because he has been employed as a regional manager with Ag Solutions since 2006, in a role assisting customers. He affirmed that should he be granted his insurance license, he will adhere to all laws and regulations regarding insurance producers. (See Ex. 5, Attachment 1 & Testimony of Applicant).

8. Applicant submitted a character reference letter from Rev. Dr. Gary Fuller attesting to Applicant's character. (See Ex. 1).

9. Applicant submitted an email from Symmetry Financial Group detailing the training program and requirements of Applicant. Applicant received a job offer from this agency to work as an insurance producer selling life insurance products. (See Ex. 2).

10. Applicant paid the \$500 fine assessed in Cause Number A-1399, State of Nebraska Department of Insurance vs. Richard Mark Hill in 2003. Counsel for the Department confirmed the fine was paid. (Testimony of Applicant).

DISCUSSION

While the previous suspension and revocation of Applicant's insurance license is a sufficient basis for the denial of Applicant's insurance producer license, such denial is discretionary, not mandatory. Pursuant to Neb. Rev. Stat. § 44-4059(2), the purpose of the license denial hearing is to determine the reasonableness of the denial. The Department has the statutory authority to deny an applicant's license if the applicant has had an insurance producer license denied, suspended, revoked, or placed on probation in Nebraska pursuant to Neb. Rev. Stat. § 44-4059(1)(i). The evidence showed that the initial denial of Applicant's insurance license was proper, as Applicant's Nebraska insurance producer license was suspended in December 2000 and subsequently revoked in April 2001. Once the Department has shown the license denial was proper, the burden shifts to the Applicant to explain why a license should be granted.

Applicant testified on his own behalf at the hearing and presented evidence including a reference letter and correspondence from his potential employer if his license application is approved. Prior to selling insurance with that agency, Applicant will be required to complete a training program. Applicant admitted his previous conduct as a licensed agent was improper and testified that it was an honest mistake due to a lack of training. As his license was initially suspended and not revoked, it appears that the Director agreed. Applicant's license was revoked subsequently because he failed to pay the administrative fine assessed in the previous action. Applicant testified that he did not have the money to pay the fine by the due date but subsequently paid it. Applicant further testified that he will obtain additional guidance from mentors and supervisors when he is unsure how to handle an issue and will adhere to the applicable laws and regulations governing insurance producers.

Since Applicant's insurance producer license was revoked, Applicant maintained steady employment as a regional manager with the same company. In this capacity, he extensively worked with and assisted customers. Applicant submitted a recommendation letter attesting to his character. Applicant was a licensed insurance producer from 1979-1999 and was able to properly function in that role until the administrative action was entered in 2000. Even after his license was revoked, Applicant paid his outstanding fine. Nearly twenty years have passed since the administrative action, and Applicant appears to have grown and understands his mistakes. Department counsel agreed and recommended at the hearing that the denial of Applicant's license application 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 et seq.
2. The Department has personal jurisdiction over Applicant.
3. The Director may deny the issuance of an insurance producer license on the basis of having an insurance producer license suspended or revoked in Nebraska 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 resident insurance producer license application approved. The Nebraska Department of Insurance shall continue to retain jurisdiction over this matter.

Dated this 17th day of June, 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 the Denial of Application for License for Richard M. Hill, Cause No. A-2184.

Dated this 13 day of June, 2019.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



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 the Respondent by mailing a copy to Respondent's address at 6705 SW 16th Street, Lincoln, NE 68523, via certified mail, return receipt requested and via regular U.S. mail and via email to richardmhill9@yahoo.com on this 14 day of June, 2019.


