

JUL 01 2019

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-2186
)	
PREMIER CLAIMS, LLC)	
(NAIC National Producer #18527733),)	
)	
RESPONDENT.)	

This matter came on for hearing on June 25, 2019, before Robert E. Harkins, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance (“Petitioner”) was represented by its counsel, Krystle Ledvina Garcia. Premier Claims, LLC (“Respondent”) did not appear. The proceedings were recorded by Brandis Bauer, a licensed Notary Public. Evidence was presented 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 Petitioner is the agency of the State of Nebraska charged with licensing public adjuster agencies.
2. Respondent is a licensed resident public adjuster agency in the State of Nebraska. Respondent’s current registered address with the Petitioner is 120 Regency Parkway, Suite 115, Omaha, NE 68114. (Ex. 2, Attachment 1)
3. On or about May 21, 2019, the Petition and Notice of Hearing were served upon Respondent by certified mail, return receipt requested at its registered address. (Ex. 1)

4. On or about May 29, 2019, the return receipt was returned to Petitioner by the United States Postal Service, confirming delivery. (Ex. 1, Attachments 1 and 3)

5. On or about April 9, 2019, Respondent entered into a Consent Order to resolve Cause No. A-2172, a disciplinary Petition filed by Petitioner against Respondent on or about January 2, 2019. Pursuant to the terms of the Consent Order, Respondent admitted to the violations stated in the Petition (specifically, Neb. Rev. Stat. §§ 44-9210(3)(b), 44-9211(1)(b), and 44-9211(1)(h)), and agreed to pay a fine of two hundred fifty dollars (\$250.00) within thirty days after the Director signed the Consent Order. The Director signed the Consent Order on April 10, 2019. (Exhibit 3)

6. On or about June 12, 2019, Respondent paid the fine imposed pursuant to the Consent Order. (Ex. 4, Attachment 1)

CONCLUSIONS OF LAW

1. The Department has broad jurisdiction, control, and discretion over the licensing of public adjuster agencies in the State of Nebraska pursuant to Neb. Rev. Stat. §§ 44-101.01 and 44-9201 to 44-9219.

2. The Department has personal jurisdiction over Respondent.

3. Respondent received proper notice of this proceeding.

4. Pursuant to Neb. Rev. Stat. § 44-9211(1), the Director of insurance may suspend, revoke or refuse to issue or renew a public adjuster's license, or business entity public adjuster license or may levy an administrative fine in accordance with subsection (4) of this section, or any combination of such actions, for any one of more of the following causes: ... (b) violating any insurance law or violating any rule, regulation, subpoena, or order of the Director or of another state's insurance commissioner or director ... or (h) using fraudulent, coercive, or dishonest practices, or

demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere or failing to comply with section 44-9217.

5. Respondent violated Neb. Rev. Stat. §§ 44-9211(1)(b), and 44-9211(1)(h), as a result of the conduct and information set forth in paragraphs 5 through 6 of the Findings of Fact.

DISCUSSION

The Department presented sufficient evidence to show Respondent received proper notice of these proceedings. The evidence established Respondent failed to pay the fine within thirty (30) days as required by the Consent Order. Disturbingly, Respondent did not pay the fine until after the filing of this proceeding, a full month past the mandated due date. Equally troubling is the Respondent's failure to appear at the administrative hearing, or to otherwise respond to the Petition filed herein.

It is remarkable that Respondent would fail to timely pay a fine (to which Respondent agreed) imposed by the agency responsible for licensing and regulating the Respondent's activities in this state. It is also inconceivable that Respondent would not respond to or otherwise participate in these proceedings after receiving proper notice. Respondent's actions demonstrate a willful disregard of the Petitioner's regulatory authority, and are compelling evidence of a high degree of dishonesty and untrustworthiness incompatible with a licensed public adjuster agency. Respondent's actions set a dangerous precedent and promote a general disrespect for the law, and the failure to impose a serious sanction would only excuse Respondent's conduct and encourage similar conduct in the future.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent pay an administrative fine of one thousand dollars (\$1,000.00) within thirty (30) days of the adoption of this Order by the Director. In addition, Respondent's public adjuster agency license (#18527733) is suspended for a period of thirty (30) days, commencing upon the date this Order is approved by the

Director. Respondent's failure to pay the fine within thirty (30) days will result in the continued indefinite suspension of its public adjuster agency license until Respondent pays the fine imposed herein in full. Failure to comply with this Order may also subject Respondent to further disciplinary action, up to and including revocation of its public adjuster agency license. 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 26th day of June, 2019.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



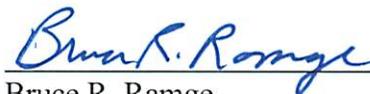
Robert E. Harkins
Hearing Officer

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. Premier Claims, LLC (NAIC Producer #18527733), Cause No. A-2186.

Dated this 1 day of ~~June~~ ^{July}, 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 address at 120 Regency Parkway, Suite 115, Omaha, NE 68114, via certified mail, return receipt requested and via regular U.S. mail on this 2 day of July, 2019.

Brandis Bauer