

SEP 05 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-2190
	)	
JACINDA WESTFIELD,	)	
(NAIC National Producer #18626579),	)	
	)	
	)	
RESPONDENT.	)	

This matter came on for hearing on August 29, 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, Thomas C. Green. Jacinda Westfield (“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. Petitioner 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. Respondent’s current registered business address with the Petitioner is 1345 Perimeter Parkway, Virginia Beach, VA 23454-5882. Respondent’s registered residence address is 5532 Maple Cluster Court, Virginia Beach, VA 23462-7195. (Ex. 2, Attachment 1)

3. On or about July 24, 2019, the Petition and Notice of Hearing were served upon Respondent by mailing the same to her registered business and residence addresses, by certified mail return receipt requested, and via regular U.S. mail. (Ex. 1)

4. On or about August 5, 2019, the signed Domestic Return Receipt attached to the certified letter mailed to Respondent's registered business address was returned to the Petitioner by the United States Postal Service ("USPS"), confirming delivery. (Ex. 1, Attachment 1)

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

6. On or about December 10, 2012, Respondent was convicted in the Circuit Court of the City of Norfolk, Commonwealth of Virginia, of Petit Larceny, a misdemeanor, and was given a sentence of a \$150.00 fine, plus court costs, along with a suspended sentence of twelve months in the Norfolk City Jail. (Ex. 2, Attachment 4)

7. On or about December 18, 2017, Respondent applied for a Nebraska non-resident producer license. Respondent answered "no" to Background Question number 1, which specifically states, "Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor?" Based on the information provided in the application, Petitioner granted Respondent a non-resident insurance producer license. (Ex. 2, Attachment 2)

8. On or about April 26, 2018, the Louisiana Department of Insurance imposed an administrative fine of two hundred fifty dollars (\$250.00) against Respondent's non-resident insurance producer license for providing "incorrect, misleading, incomplete or materially false information on a licensing application." (Ex. 2, Attachment 5)

9. On or about May 28, 2019, Respondent's home state resident insurance producer license was revoked by the Commonwealth of Virginia's Corporation Commission for "providing materially incorrect, misleading, incomplete, or untrue information in the license application that the Defendant filed with the Commission." (Ex. 2, Attachment 3)

10. On or about July 1, 2019, the State of Idaho revoked Respondent's non-resident insurance producer license based on the administrative action taken in Virginia. (Ex. 2, Attachment 6)

### 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, and such jurisdiction has been present throughout these proceedings.

3. Pursuant to Neb. Rev. Stat. § 44-4059(1)(a), the Director of Insurance may suspend or revoke an insurance producer's license, or may levy an administrative fine for providing incorrect, misleading, incomplete, or materially untrue information in the license application.

4. 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.

5. Pursuant to Neb. Rev. Stat. § 44-4059(1)(c), the Director may suspend or revoke an insurance producer's license, or may levy an administrative fine for obtaining or attempting to obtain a license through misrepresentation of fraud.

6. Pursuant to Neb. Rev. Stat. § 44-4059(1)(f), the Director may suspend or revoke an insurance producer's license, or may levy an administrative fine for having been convicted of a felony or a Class I, II, or III misdemeanor.

7. 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.

8. 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 any other state.

9. 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.

10. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(a), 44-1059(1)(b), 44-4059(1)(c), 44-4059(1)(f), 44-4059(1)(h), and 44-4059(1)(o), as a result of the conduct and facts set forth in paragraphs 6 through 10 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 was convicted of a misdemeanor offense in the Commonwealth of Virginia. This conduct alone is sufficient to revoke Respondent's non-resident producer license, but even more alarmingly, Respondent lied about her criminal record on her Nebraska application and on her applications for licensure in at least two sister jurisdictions.

In addition, Respondent's disturbing pattern of conduct clearly demonstrates a high level of untrustworthiness and dishonesty incompatible with the high moral and ethical standards required of a licensed insurance producer. Finally, Respondent's failure to appear or otherwise participate in these proceedings allows one to safely conclude Respondent has no interest in maintaining her Nebraska non-resident insurance producer license.

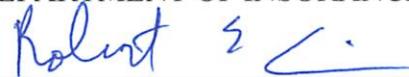
Based on the serious nature of the evidence presented, and considering the totality of the circumstances involved, revocation of Respondent's non-resident insurance producer license is appropriate in this case.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's Nebraska non-resident insurance producer license (NAIC National Producer #18626579) be revoked, effective on the date this Order is approved and adopted by the Director of Insurance. 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 4<sup>th</sup> day of September, 2019.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE



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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. Jacinda Westfield (NAIC National Producer #18626579), Cause No. A-2190.

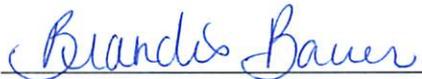
Dated this 5 day of September, 2019.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

  
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Bruce R. Range  
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 at 1345 Perimeter Parkway, Virginia Beach, VA 23454-5882 and to Respondent's registered residence address at 5532 Maple Cluster Court, Virginia Beach, VA 23462-7195, via certified mail, return receipt requested and via regular U.S. mail on this 5 day of September, 2019.

  
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