

DEC 18 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-2195
)	
AMY KAMPSCHNIEDER,)	
(NAIC National Producer #19079058),)	
)	
RESPONDENT.)	

This matter came on for hearing on December 3, 2019, before Robert E. Harkins, 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, Tracy Burns. Amy Kampschnieder (“Respondent”) was not present and was not represented by counsel. The proceedings were recorded by Peg Jasa, 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 resident insurance producer in the State of Nebraska whose current registered business and resident address with the Department is 6220 S. 194th Terrace Plaza, Apt. 84, Omaha NE 68135. Respondent’s registered email address is amyj.ski16@gmail.com. (See Ex. 3).

3. On or about October 25, 2019, the Petition and Notice of Hearing filed on October 23, 2019 were served upon Respondent by mailing the same to her registered business and residence address, by certified mail return receipt requested, and via regular U.S. mail. On the same day, said documents were served on the Respondent via delivery to her registered e-mail address. The Department received an e-mail delivery acknowledgement. (See Ex. 1).

4. On or about November 18, 2019, the Petition and Notice of Hearing mailed to Respondent's registered business and resident address via certified mail were returned to the Department by the United States Postal Service as "Return to Sender. Unclaimed. Unable to Forward". To date, the documents sent to Respondent via regular U.S. mail have not been returned to the Department. (See Ex. 2, Attachment 1).

5. On or about March 21, 2019, Respondent applied for a Nebraska resident insurance producer's license. The application included the following questions: "Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor?"; and "Do you have a child support obligation in arrearage?" Respondent answered "no" to both questions. Based on her application, the Department granted Respondent a resident insurance producer's license. (See Ex. 3, Attachment 1).

6. As of the date of her application, Respondent had a child support arrearage totaling approximately \$561.90. Respondent's monthly child support obligation is \$312.00. At the time of the filing of this action, Respondent's child support arrearage totaled approximately \$1,455.25. (See Ex. 5)

7. Between June 9, 2017, and February 2, 2018, Respondent was convicted of at least three (3) misdemeanor counts of issuing and/or attempting to issue bad checks (Class I and Class II misdemeanors), in the County Courts of Butler, Douglas, and Sarpy County, Nebraska. At the time

of her application, Appellant also had a pending Class II misdemeanor (issuing a bad check) in the County Court of Saline County Nebraska. (See Ex. 3, Attachment 2; Ex. 4)

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)(a), the director 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)(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.

6. Pursuant to Neb. Rev. Stat. § 44-4059(1)(m), the director may suspend or revoke an insurance producer's license, or may levy an administrative fine for failing to comply with an administrative or court order imposing a child support obligation pursuant to the License Suspension Act..

7. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(a), 44-4059(1)(b), 44-4059(1)(f), and 44-4059(1)(m), as a result of the conduct set forth in paragraphs 5 through 7 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, regular U.S. mail to Respondent's registered business and residence address, and via e-mail to Respondent's registered e-mail address. As such, reasonable notice was provided to Respondent.

The evidence presented establishes Respondent engaged in a disturbing pattern of sustained criminal conduct. Even more alarmingly, Respondent failed to disclose her criminal convictions and pending criminal prosecution on her licensing application. In addition, Respondent failed to disclose her outstanding child support arrearage on her license application. At the time this case was filed, Respondent was more than six (6) months in arrears on her child support obligation. Respondent's criminal conduct, her submission of a materially untrue and misleading license application, and continuing failure to satisfy her court ordered child support obligation, warrants revocation of her Nebraska resident insurance producer's license.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's Nebraska resident insurance producer license (NAIC #19079058) 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 18th day of December, 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. Amy Kampschnieder (NAIC Producer #19079058), Cause No. A-2195

Dated this 18 day of December, 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 resident address, 6220 S 194th Terrace Plaza, Apt. 84, Omaha NE 68135, via certified mail, return receipt requested and via regular U.S. mail on this 19th day of December, 2019.

