

JAN 3 2020

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-2199
)	
TARA ROHAN,)	
(NAIC Producer #17897966),)	
)	
)	
RESPONDENT.)	

This matter came on for hearing on December 30, 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 counsel, Tracy Burns. Tara Rohan (“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 non-resident insurance producer whose registered home and business address with the Department is 8604 East Madison Street, Sioux Falls SD 57110-7449. (Ex. 2, Attachment 1)

3. On or about November 22, 2019, the Petition and Notice of Hearing were served upon Respondent by mailing the same to her registered business and home address, by certified mail return receipt requested, and via regular U.S. mail. (Ex. 1)

4. On or about December 27, 2019, the Petition and Notice of Hearing mailed to Respondent via certified mail were returned to the Department by the United States Postal Service (“USPS”) marked, ”Return to Sender. Unclaimed. Unable to Forward.” To date, the Petition and Notice of Hearing sent to Respondent via regular U.S. mail have not been returned to the Department. (Ex. 1, Attachment 1)

5. On or about September 3, 2019, the Department received notice from American Family Life Assurance Company (“AFLAC”) that Respondent’s appointment with AFLAC had been terminated for cause based on allegations of fraud. After an internal investigation, AFLAC concluded that between September 1, 2017, and March 28, 2019, Respondent forged signatures on insurance applications and other mandatory forms. As a result of these actions, numerous policies were issued without applicants’ knowledge. During the course of the investigation, Respondent admitted to submitting insurance policies without applicants’ knowledge. (Ex. 2, Attachment 2; Ex. 3, Attachment 2)

6. On or about August 31, 2019, Respondent’s South Dakota resident insurance producer’s license expired, and has not been renewed. (Ex. 2, Attachment 3)

7. On or about December 30, 2019, Respondent submitted a written statement to the Department. Respondent denied forgery, advised she did not wish to appear at an administrative hearing, and stated she had no plans to resume work in the insurance industry. (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)(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)(g), the director may suspend or revoke an insurance producer's license, or may levy an administrative fine for having admitted or been found to have committed any insurance unfair trade practice, any unfair claims settlement practice, or fraud.
5. 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.
6. 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.
7. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(b), 44-4059(1)(g), 44-4059(1)(h), and 44-4059(1)(o), as a result of the conduct set forth in paragraphs 5 and 6 of the Findings of Fact.

DISCUSSION

The Department presented sufficient evidence to show Respondent received proper notice of these proceedings. Despite Respondent's claim to the contrary, the evidence established Respondent forged numerous insurance applications and other insurance forms. Respondent's actions in this regard demonstrate a high level of fraudulent, dishonest, and untrustworthy conduct incompatible with the high ethical and moral standards required of an insurance producer. In addition, Respondent has failed to maintain an insurance producer's license in her home state, subjecting her to discipline under Nebraska statutes.

Notwithstanding Respondent's stated intention to leave the insurance industry, and based on the serious nature of the evidence presented and 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 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 2nd day of January, 2020.

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. Tara Rohan (NAIC Producer #17897966), Cause No. A-2199.

Dated this 3 day of January, 2020.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



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 and home address, 8604 East Madison Street, Sioux Falls SD 57110-7449, via certified mail, return receipt requested and via regular U.S. mail on this 3rd day of January, 2020.

