



4. On or about May 28, 2020, the return receipt card attached to the Petition and Notice of Hearing mailed to Respondent's registered business address was returned to the Department confirming delivery (See Ex. 3, Attachment 1).

5. On or about June 1, 2020, the Petition and Notice of Hearing sent to Respondent's registered business address via regular U.S. mail was returned to the Department marked "Return to Sender, Not Deliverable As Addressed, Unable to Forward." (See Ex. 3, Attachment 2).

6. As of July 14, 2020, the Petition and Notice of Hearing mailed to Respondent's registered residence address via Certified and regular U.S. mail have not been returned to the Department by the United States Postal Service, nor has the Department received notification the letters were undeliverable. (See Ex. 3).

7. On or about February 20, 2020, the Department received notice from Mutual of Omaha ("Mutual") that Respondent's appointment was terminated for cause effective February 11 2020. (See Ex. 1, Attachment 1)

8. On or about February 11, 2020, Mutual notified Respondent that his Special Agent Agreement was terminated due to a business decision. (See Ex. 1, Attachment 2).

9. On or about February 27, 2020, Mary Anderson ("Anderson"), an insurance investigator employed by the Department's Consumer Affairs Division, sent a letter to Respondent's registered business address via first class mail requesting a response to the termination for cause notice. No response was received. (See Ex. 1, Attachment 4).

10. On or about March 30, 2020, Anderson sent a follow-up letter to Respondent's registered home address via certified mail, return receipt requested. The letter again requested Respondent reply to the termination for cause notice. The letter also informed Respondent that failure to respond within fifteen working days may be considered a violation of the Nebraska Unfair Trade Practices Act. (See Ex. 1, Attachment 5).

11. On or about April 6, 2020, the domestic return receipt was returned to the Department by the United States Postal Service confirming delivery of the March 30, 2020, letter. (See Ex. 1, Attachment 6)

12. As of July 16, 2020, the Department has not received a response to the February or March letters. (See Ex. 1)

#### 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)(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.

4. 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.

5. Pursuant to Neb. Rev. Stat. §§ 44-1525(11) and 44-1524, failure of an insurer, upon receipt of a written inquiry from the department, to respond to such inquiry within fifteen working days shall be an unfair trade practice if the act or practice is committed flagrantly and in conscious disregard of the Unfair Trade Practices Act or has been committed with such frequency to indicate a general business practice to engage in that conduct.

6. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(g), 44-4059(1)(h), and 44-1525(11), as a result of the conduct set forth in paragraphs 7 through 12 of the Findings of Fact.

## DISCUSSION

The evidence presented shows that Respondent received proper notice of these proceedings. The uncontested evidence shows that Respondent was terminated for cause by the Mutual of Omaha as the result of a business decision. Respondent then failed to respond to the Department's initial and follow-up requests for information within fifteen working days of the inquiries in violation of Neb. Rev. Stat. § 44-1525(11).

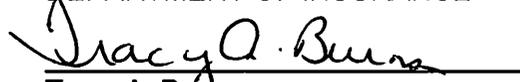
Based on the nature of the evidence presented, and Respondent's failure to respond to the Department's inquiries, a fine of five-hundred dollars is appropriate in this case.

## RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent pay a fine of five hundred dollars (\$500.00) based on the notice of termination for cause and committing an unfair trade practice by failing to respond to Department inquiries. The fine shall be paid within thirty (30) days of this Order. Failure to comply with this Order may subject Respondent to additional disciplinary action, including revocation of the Respondent's non-resident producer 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 29<sup>th</sup> day of July, 2020.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

  
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Tracy A. Burns  
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. Corinthian Preston (NAIC Producer #19255595), Cause No. A-2216.

Dated this 29 day of July, 2020.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

  
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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 address, 4902 W Waters Avenue, Suite 100, Tampa, FL 33634-1315, and his registered home address, 5321 Suncatcher Drive, Wesley Chapel, FL 33545, via certified mail, return receipt requested and via regular U.S. mail on this 29<sup>th</sup> day of July, 2020.

  
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