

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

NEBRASKA DEPARTMENT
OF INSURANCE

MAR 01 2021

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	
)	
PETITIONER,)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
)	RECOMMENDED ORDER AND
)	ORDER
VS.)	
)	CAUSE NO. A-2241
JEREMY RUTHERFORD,)	
(NAIC Producer #17084447),)	
)	
)	
RESPONDENT.)	

FILED

This matter came on for hearing on February 23, 2021, before Tracy A. Burns, 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, Michael W. Anderson. Jeremy Rutherford ("Respondent") was not present and was not represented by counsel. The proceedings were recorded by Shelly Storie, 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 insurance producer in the State of Nebraska whose registered business and residence address with the Department is 13075 Sky Park Drive, Omaha, Nebraska 68137. (See Ex. 1, Attachment 1).

3. On or about January 28, 2019, Respondent was found to have violated Neb. Rev. Stat. §§ 44-1525(11), 44-4059(1)(b) and 44-4059(1)(h) in Cause No. A-2168. The Findings of Fact, Conclusions of Law, Recommended Order and Order, suspended Respondent's Nebraska resident insurance producer license and ordered Respondent to pay an administrative penalty of \$2,000. (See Ex. 4).

4. The payment was not received and this action was filed by the Department on November 25, 2020.

5. On or about November 25, 2020, the Petition and Notice of Hearing was served upon Respondent's registered business and residence address via certified mail, return receipt requested, and via regular U.S. mail. (See Ex. 3).

6. On or about January 11, 2021, the Petition and Notice of Hearing sent to Respondent's registered business and residence address, via certified mail, was returned to the Department marked "Return to Sender, Temporarily Away, Unable to Forward." (See Ex. 3, Attachment 1).

7. As of February 5, 2021, the Respondent has not paid the administrative penalty of \$2,000. (See. Ex. 2).

8. As of February 12, 2021, the Respondent's license remains in suspended status. (See Ex. 1, Attachment 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)(b), the Director may, in his discretion, revoke the insurance producer's license if it is found that the producer has violated any order of the Director.

4. Respondent violated Neb. Rev. Stat. § 44-4059(1)(b) as a result of the conduct found in paragraph 4 and 7 in the Findings of Fact.

DISCUSSION

At the hearing, the Department presented sufficient evidence of its attempts to provide the Respondent with notice of these proceedings. The Department attempted to serve Respondent via certified mail, return receipt requested and regular U.S. mail to Respondent's registered business and home address. Based upon this evidence, the Department's attempts to serve Respondent was sufficient and jurisdiction over the actions of the Respondent in this matter has been established.

The uncontested evidence shows that an Order entered on January 28, 2019, suspended Respondent's resident producer license, and assessed an administrative penalty of \$2,000 to be paid prior to the reinstatement of the producer license. Respondent failed to pay the administrative penalty as ordered.

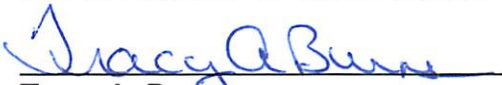
This action constitutes a violation of Neb. Rev. Stat. §§ 44-4059(1)(b).

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's resident 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 orders as may be necessary.

Dated this 1st day of March, 2021.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE


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. Jeremy Rutherford (NAIC Producer #17084447), Cause No. A-2241.

Dated this 1 day of March, 2021.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE


Bruce R. Ramge
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, 13075 Sky Park Drive, Omaha, Nebraska, 68137, via certified mail, return receipt requested and via regular U.S. mail on this 1st day of March, 2021.

