

MAR 05 2021

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	
)	FINDINGS OF FACT,
PETITIONER,)	CONCLUSIONS OF LAW,
)	RECOMMENDED ORDER AND
)	ORDER
VS.)	
)	CAUSE NO. A-2242
Gagliardi Insurance Services, Inc.)	
(NAIC Producer #2110851),)	
)	
)	
RESPONDENT.)	

This matter came on for hearing on March 2, 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. Gagliardi Insurance Services, Inc. ("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 non-resident insurance agency in the State of Nebraska whose registered address is 950 S Bascom Ave, Suite 3010, San Jose, California, 95128. (See Ex. 2, Attachment 1).

3. In November, 2020, the Department's Administrator of the Producers Licensing Division ("Administrator") reviewed the Respondent's licensing record and found Respondent's California registered mailing address. (See Ex. 1).

4. On that same date, the Administrator reviewed the National Association of Insurance Commissioners iSite+, a component of the Regulatory Information Retrieval System, and determined that Respondent's Pennsylvania resident agency license was cancelled effective December 4, 2020. (Ex. 1, Attachment 2).

5. The Administrator performed a license search of California to determine if the Respondent was licensed in California. A new resident license was not found. (Ex. 1).

6. Respondent did not notify the Department of the cancellation of the Pennsylvania resident agency license.

7. On or about January 7, 2021, the Petition and Notice of Hearing was served upon Respondent by mailing the same to the registered mailing address by certified mail, return receipt requested, and via regular U.S. mail. (See Ex. 2).

7. On or about January 22, 2021, the unsigned Domestic Return Receipt attached to the Petition and Notice of Hearing sent to Respondent's registered mailing address was returned to the Department via the United States Postal Service ("USPS"). The USPS tracking history stated, "Delivered, Left with Individual, SAN JOSE, CA 95128. (See Ex. 2, Attachment 1).

8. On or about February 12, 2021, the Petition and Notice of Hearing sent to the Respondent's registered mailing address by regular U.S. mail was returned by USPS to the Department marked, "Return to Sender, Not Deliverable as Addressed, Unable to Forward." (See Ex. 2, Attachment 2).

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)(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.

4. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(o) as a result of the conduct set forth in paragraphs 3 through 6 of the Findings of Fact.

DISCUSSION

The Department presented sufficient evidence to show that Respondent was provided with notice of these proceedings. The uncontested evidence shows that Respondent's Pennsylvania resident agency license was cancelled effective December 4, 2020. Evidence also shows that Respondent did not obtain an updated residence agency license in California. These actions constitute a violation of Neb. Rev. Stat. § 44-4059(1)(o).

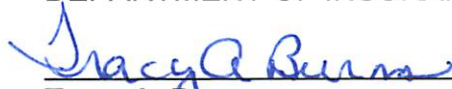
Based on the nature of the evidence presented and the aforementioned violation of statute the Respondent's non-resident insurance producer license shall be suspended until a new resident license is obtained.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's non-resident insurance producer license (NAIC Producer #2110851) be suspended until a new resident insurance producer license is obtained. 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 5th 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. Gagliardi Insurance Services, Inc. (NAIC Producer #2110851), Cause No. A-2242.

Dated this 5 day of March, 2021.

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 mailing address, 950 S Bascom Ave, Suite 3010, San Jose, California, 95128 via certified mail, return receipt requested and via regular U.S. mail on this 5th day of March, 2021.

