

MAR 05 2021

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
PETITIONER,)	RECOMMENDED ORDER AND
)	ORDER
VS.)	
)	CAUSE NO. A-2243
Dominic Gagliardi II)	
(NAIC Producer #240344),)	
)	
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. Dominic Gagliardi II ("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 producer in the State of Nebraska whose registered mailing address at 1010 N. Hancock St., FL 1, Philadelphia, PA 19123. (See Ex. 2, Attachment 1).

3. On or about May 18, 2020, Respondent voluntarily surrendered his Pennsylvania resident producer license. (See Ex. 1)

4. On or about October 21, 2020, Respondent's Idaho non-resident producer license was revoked for voluntarily surrendering his resident license for any reason except relicensing as a resident in another state. Respondent did not notify Idaho of relicensing as a resident in another state. (Ex. 1, Attachment 2).

5. In November 2020, the Department discovered the information in paragraphs 3 and 4. The Respondent did not report these actions to the Department as required by statute. After learning of these actions, the following occurred.

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

7. On or about February 5, 2021, the Petition and Notice of Hearing sent to Respondent's registered mailing address via certified mail was returned to the Department marked "Return to Sender, Not Deliverable as Addressed, Unable to Forward." (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 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)(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)(i), the director may suspend or revoke an insurance producer's license, or may levy an administrative fine for having an insurance producer license, or its equivalent, denied, suspended, placed on probation, or revoked in Nebraska or in any other state, province, district, or territory.

5. Pursuant to Neb. Rev. Stat. §§ 44-4065(1), an insurance producer shall report to the director any administrative action taken against the producer in another jurisdiction, by a professional self-regulatory organization such as the Financial Industry Regulatory Authority or a similar organization, or by another governmental agency with thirty days of the final disposition of the matter.

6. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(b), 44-4059(1)(i), and 44-4065(1) as a result of the conduct set forth in paragraphs 3 through 5 of 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 mailing address. Based upon this evidence, the Department's attempt to serve Respondent was sufficient and jurisdiction over the actions of the Respondent in this matter has been established. The uncontested evidence shows that Respondent voluntarily surrendered his Pennsylvania resident producer license on May 18, 2020. The uncontested evidence also shows that Respondent's Idaho non-resident producer license was revoked effective October 21, 2020. These actions constitute a violation of Neb. Rev. Stat. §§ 44-4059(1)(b) and 44-4059(1)(i).

Additionally, Respondent failed to report the administrative action to the Director as required by statute. This is a violation of Neb. Rev. Stat. § 44-4065(1).

Based on the nature of the evidence presented and the aforementioned violations of statutes the revocation of Respondent's non-resident insurance producer license is warranted.

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 #240344) 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 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. Dominic Gagliardi II (NAIC Producer #240344), Cause No. A-2243.

Dated this 5 day of March, 2021.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Bruce R. Ronge
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, 1010 N. Hancock St., FL 1, Philadelphia, PA 19123 via certified mail, return receipt requested and via regular U.S. mail on this 5th day of March, 2021.

