

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

NEBRASKA DEPARTMENT
OF INSURANCE
APR 01 2021

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE)	
)	
PETITIONER,)	FINDINGS OF FACT, CONCLUSIONS
)	OF LAW, RECOMMENDED ORDER,
vs.)	AND ORDER
)	
Bryon G. Pryor)	CAUSE NO. A-2250
(NAIC Producer # 18319993))	
)	
RESPONDENT.)	

FILED

This matter came on for hearing on March 23, 2021, before Tracy A. Burns, a hearing officer duly appointed by the Director of Nebraska Department of Insurance. The Nebraska Department of Insurance ("Department") was represented by its counsel, Michael W. Anderson. Bryon G. Pryor ("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. Respondent's registered mailing address with the Department is 95 Old Alhambra Road, Clancy, Montana 59634. (See Ex. 2, Attachment 1).
3. On or about February 23, 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. 3).

4. On or about March 8, 2021, the Petition and Notice of Hearing mailed via certified mail to the Respondent's registered mailing address was returned to the Department by the United States Postal Service ("USPS") marked, "RETURN TO SENDER, INSUFFICIENT ADDRESS, UNABLE TO FORWARD." (See Ex. 3, Attachment 1).

5. On or about March 15, 2021, the Petition and Notice of Hearing sent via regular U.S. mail was returned to the Department by USPS marked, "RETURN TO SENDER, INSUFFICIENT ADDRESS, UNABLE TO FORWARD." (See Ex. 3, Attachment 2).

6. On or about December 17, 2018, a Washington National Insurance Company ("Washington National") Special Investigations Unit ("SIU") investigator interviewed Respondent regarding submitted insurance applications. An investigation report was prepared detailing the allegations and findings. The findings included:

a. On April 11, 2018, Respondent submitted an application for Darrell Sampson. upon review of this application, it was found that the initial premium payment was returned as "unable to locate account", mail to the applicant was returned as "insufficient address, unable to forward", external database searches resulted in no match with the social security number provided, as well as no correlation between the name and date of birth included. The same inconsistencies were found with the information provided as belonging to the applicant's spouse.

b. Respondent could not recall Darrell Sampson, and further stated that it was common for him to sell policies in truck stops, parking lots, hotels, and "pretty much wherever there's people". He further states that he spent a lot of time selling policies off I-80. The SIU investigator noted that this policy was signed in Brunswick, Nebraska, which is not located near I-80. (See Ex. 1, Attachment 2).

7. On or about August 18, 2020, the Department received notice from Washington National that Respondent's appointment was terminated for cause as of August 13, 2020, due to fraud. (See Ex. 1, Attachment 1).

8. On or about December 18, 2020, the Department mailed a letter to Respondent at his registered mailing address via certified mail, return receipt requested. The letter included copies of earlier correspondence requesting information. Further, the letter stated that failure to respond within fifteen (15) working days may be considered a violation of the Nebraska Unfair Trade Practices Act. (See Ex. 1, Attachment 5).

9. On or about December 18, 2020, the letter and previous correspondence was mailed electronically with high importance to the registered business email at bryonpryor@pmagent.net and registered personal email sarah.d.206@gmail.com. (See Ex. 1, Attachment 7 and Ex. 2, Attachment 1).

10. On or about January 4, 2021, the letter requesting information mailed on December 18, 2020, was returned to the Department via USPS marked, "RETURN TO SENDER, INSUFFICIENT ADDRESS, UNABLE TO FORWARD." (See Ex. 1, Attachment 6).

11. To date, the Department has not received a response from Respondent. (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. Pursuant to Neb. Rev. Stat. § 44-4059(1)(b), the Director of Insurance may suspend, revoke or refuse to issue or renew 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.

3. Pursuant to Neb. Rev. Stat. § 44-4059(1)(g), the Director of Insurance may suspend, revoke or refuse to issue or renew an insurance producer's license or may levy an administrative fine for having admitted or been found to have committed any unfair trade practice, any unfair claims settlement practice, or fraud.

4. Pursuant to Neb. Rev. Stat. § 44-4059(1)(h), the Director of Insurance may suspend, revoke or refuse to issue or renew 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. § 44-1524, it shall be an unfair trade practice in the business of insurance for any insurer to commit any act or practice defined in § 44-1525 if the act or practice (1) is committed flagrantly and in conscious disregard to he Unfair Insurance Trade Practice Act or any rule or regulation adopted pursuant to the act."

6. Pursuant to Neb. Rev. Stat. § 44-1525(10), if committed in violation of § 44-1524, "[m]aking false or fraudulent statements or representation on or relative to an application for a policy for the purpose of obtaining a fee, commission, money, or other benefit from any insurer, agent, broker, or individual person."

7. Pursuant to Neb. Rev. Stat. § 44-1525(11), if committed in violation of § 44-1524, the "[f]ailing of any insurer, upon receipt of a written inquiry from the department, to respond to such inquiry or request additional reasonable time to respond within fifteen working days."

8. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(b), 44-4059(1)(g), 44-4059(1)(h), 44-1525(10) and 44-1525(11), as a result of the conduct set forth in paragraphs 6 through 11 in the Findings of Fact.

DISCUSSION

The Department provided evidence of service to Respondent via certified and regular U.S. mail at the address registered with the licensing division. As such, reasonable notice was provided to the Respondent. Additionally, the evidence shows that the consumer affairs division attempted to contact the Respondent via electronic mail, regular mail, and certified mail with the

registered addresses available to the licensing division. Respondent failed to respond to Department inquiries within fifteen business days therefore committing an unfair trade practice.

With regard to the allegations raised from Washington National, the evidence presented demonstrated that Respondent submitted false insurance applications which demonstrates dishonest and untrustworthy practices when conducting the business of insurance. This is not acceptable for individuals working as insurance producers.


After consideration and review of the evidence provided, revocation of the Respondent's non-resident insurance producer license is appropriate.

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 this purpose of enabling Respondent or the Department of Insurance to make application for such further orders as may be necessary.

Dated this 1st day of April, 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. Bryon Pryor (NAIC Producer #18319993), Cause No. A-2250.

Dated this 1 day of April, 2021.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

Bruce R. Ronge
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, 95 Old Alhambra Road, Clancy, Montana 59634, via certified mail, return receipt requested and via regular U.S. mail on this 1 day of April, 2021.

Sherry Storie