

APR 16 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-2251
Justin Harris,)	
(NAIC Producer #18979255),)	
)	
RESPONDENT.)	

This matter came on for hearing on April 8, 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. Justin Harris ("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 is 8102 Colonial Village Drive, Apt. 105, Tampa, Florida 33625. (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 April 2, 2021, the domestic return card attached to the Petition and Notice of Hearing mailed to Respondent's registered business address was returned to the Department by the United States Postal Services ("USPS") marked, "RETURN TO SENDER, UNCLAIMED, UNABLE TO FORWARD." (See Ex. 3, Attachment 1).

5. On or about October 1, 2020, the Department received notice from Freedom Life Insurance Company of America ("Freedom Life") that Respondent's appointment was terminated for cause effective October 1, 2020 for engagement in misrepresentation activity. (See Ex. 1, Attachment 1)

6. On or about January 7, 2021, Scott Zager ("Zager"), an insurance investigator employed by the Department's Consumer Affairs Division, mailed a letter requesting a response to the allegations from Freedom Life to Respondent's mailing address via certified mail. (See Ex. 1, Attachment 2).

7. On or about January 15, 2021, the Domestic Return Receipt attached to the certified letter was returned to the Department showing delivery on January 11, 2021. (See Ex. 1, Attachment 3).

8. As of April 5, 2021, the Department has not received a response to the request.

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. § 44-1524, it shall be an unfair trade practice in the business of insurance for any insurer "to commit any act or practice defined in Section 44-1525 if the act or practice is committed flagrantly and in conscious disregard of the Unfair Trade Practices Act or any rule or regulation adopted pursuant to the act."

5. Pursuant to Neb. Rev. Stat. § 44-1525(11), it shall be an unfair trade practice in the business of insurance if any insurer if they exhibit the "failing 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."

6. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(g), 44-1524, and 44-1525(11), as a result of the conduct set forth in paragraphs 5 through 8 of the Findings of Fact.

DISCUSSION

The evidence presented demonstrates the Respondent received proper notice of these proceedings. The uncontested evidence shows that Respondent was terminated for

cause by Freedom Life Insurance Company of America as the result of misrepresentation activity. Respondent then failed to respond to the Department's request for information within fifteen working days of the inquiries in violation of Neb. Rev. Stat. § 44-1525(11).

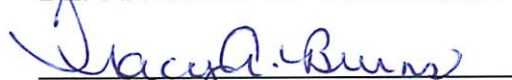
Based on the nature of the evidence presented, and Respondent's failure to respond to the Department's inquiries, a fine of five hundred dollars (\$500.00) is appropriate in this case.

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 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 15th 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. Justin Harris (NAIC Producer #18979255), Cause No. A-2251.

Dated this 16 day of April, 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 mailing address, 8102 Colonial Village Drive, Apt. 105, Tampa, FL 33625, via certified mail, return receipt requested and via regular U.S. mail on this 16th day of April, 2021.

