

APR 16 2021

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	FINDINGS OF FACT, CONCLUSIONS
)	OF LAW, RECOMMENDED ORDER
PETITIONER,)	AND ORDER
)	
VS.)	CAUSE NO. A-2252
)	
MAURICE DYDELL,)	
(NAIC Producer #15807544),)	
)	
RESPONDENT.)	
)	

This matter came on for hearing on April 13, 2021, before Thomas C. Green II, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance (“Department”) appeared through its counsel, Michael W. Anderson. Maurice Dydell (“Respondent”) did not appear and was not represented by counsel. The proceedings were recorded by Shelly Storie, a licensed Notary Public. The Department offered Exhibits 1 through 3 at the hearing, which were received without objection. The Respondent did not offer any exhibits. After the conclusion of evidence, 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 and regulating insurance producers.
2. Respondent is a licensed non-resident insurance producer. Respondent’s registered mailing address with the Department is 1405 NE Buttonwood Court, Lees Summit, Missouri, 64086-8433. (Ex. 2).

3. On or about March 2, 2021, the Petition and Notice of Hearing was served upon Respondent by mailing the same to his registered address, by certified mail, return receipt requested, and via regular U.S. mail. (Ex. 3)

4. On or about March 18, 2021, the Domestic Return Receipt attached to the Petition and Notice of Hearing mailed to Respondent's registered address was returned to the Department by the United States Postal Service ("USPS") evidencing delivery. (Ex.3, Attachment 1)

5. On January 13, 2021, Respondent was terminated for cause from United World Insurance Company ("United"), a Mutual of Omaha ("Mutual") company. In particular, United/Mutual had discovered that Respondent had submitted an application for Medicare Supplement coverage with a fictitious spouse and neglected to list two medications that the applicant had been taking. (Ex. 1)

6. When the Department asked the Respondent to respond to the allegations made by United/Mutual, the Respondent submitted a response on February 12, 2021 wherein he admitted the allegations by stating that "the client didn't have a spouse, but I added a fictitious spouse so that they would qualify for the discount. It reduced the client's monthly premium by \$15." (Ex 1, Attachment 4)

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)(e), the director may suspend or revoke an insurance producer's license or may levy an administrative fine for intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance.

4. 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.

5. Pursuant to Neb. Rev. Stat. § 44-4059(1)(h), the director may suspend or revoke 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.

6. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(e), 44-4059(1)(g), and 44-4059(1)(h) as a result of the conduct set forth in paragraphs 5 through 7 of the Findings of Fact.

DISCUSSION

The uncontested evidence shows that Respondent submitted an application for insurance in which the included information was knowingly and intentionally false and contrary to the information supplied directly by the applicant. When questioned about the allegations made by the insurer, Respondent admitted that he made up the existence of a spouse, without the client's knowledge or consent, in order to obtain a lower monthly premium for the client. Respondent's actions were committed deliberately, flagrantly and in conscious disregard of Nebraska law. Respondent's actions

demonstrate a high level of dishonest and untrustworthy conduct incompatible with the high ethical and moral standards required of an insurance producer.

Based on the serious nature of the evidence presented, revocation of Respondent's non-resident insurance producer license is appropriate in this case.

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

Dated this 16th day of April, 2021.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Thomas C. Green II, #21001
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. Maurice Dydell (NAIC Producer #15807544), Cause No. A-2252.

Dated this 16 day of April, 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 were provided to the Respondent at the Respondent's registered mailing address, 1405 NE Buttonwood Court, Lees Summit, MO 64086-8433, via regular U.S. mail on this 16th day of April, 2021.


