

NOV 02 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-2269
)	
MICHAEL SAUNDERS,)	
(NAIC Producer #16129666),)	
)	
RESPONDENT.)	
)	

This matter came on for hearing on October 20, 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. Michael Saunders (“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 an inactive licensed non-resident insurance producer. Respondent’s registered mailing address with the Department is 5310 NW 33rd Avenue, Suite 108, Fort Lauderdale, FL 33309. (Ex. 1, Attachment 1).

3. On or about July 28, 2021, the Petition and Notice of Hearing were 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 August 9, 2021, the letter containing the Petition and Notice of Hearing that was sent certified mail was returned to the Department by the United States Postal Service marked, "RETURN TO SENDER, ATTEMPTED – NOT KNOWN, UNABLE TO FORWARD." (Ex. 3, Attachment 1)

5. The letter containing the Petition and Notice of Hearing that was sent regular United States mail has not been returned to the Department, nor has the Department received any notification that the letter was undeliverable. (Ex. 3)

6. On March 18, 2020, following an administrative hearing brought by the Department against the Respondent, Findings of Fact, Conclusions of Law, Recommended Order and Order ("March 18, 2020 Order") finding that, among other things, Respondent failed to respond to a Department inquiry and was ordered by the director to pay a fine of five hundred dollars (\$500.00) within 90 days. (Ex. 1, Attachment 2).

7. More than 90 days have passed since the March 18, 2020 Order was entered, yet Respondent has not paid the fine of five hundred dollars (\$500.00) set forth in that March 18, 2020 Order. (Ex. 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 if the producer has violated any insurance law or violated any rule, regulation, subpoena, or order of the director or of another state's insurance commissioner or director.

4. Respondent violated Neb. Rev. Stat. § 44-4059(1)(b) by failing to pay the fine of five hundred dollars (\$500.00) ordered by the director in the March 18, 2020 Order within 90 days.

DISCUSSION

The Department presented sufficient evidence to show Respondent received proper notice of these proceedings.

This is the second administrative action brought against the Respondent in the last eighteen months. In the first action, which resulted in the March 18, 2020 Order, it was determined that the Respondent had failed to respond timely to an inquiry from Respondent in relation to a complaint filed against Respondent. Because of the Respondent's failure to respond, he was ordered by the director to pay a five hundred dollar fine within 90 days. Respondent has ignored the March 18, 2020 Order by neglecting to pay the fine, necessitating this second administrative action. Since the Respondent failed to appear at the hearing, or file anything with the Department with respect to this action, it would seem as though the Respondent has ignored the Department yet again. Such ongoing failure to respond to the Department is not acceptable behavior for an insurance producer, nor is the failure to pay the fine contained in the March 18, 2020 Order which also constitutes a direct violation of Neb. Rev. Stat. § 44-4059(1)(b).

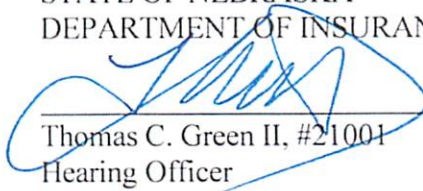
Failing to comply with the requirements of Neb. Rev. Stat. § 44-4059(1)(b), combined with the Respondent's pattern of ignoring the Department's inquiries and orders, makes revocation of Respondent's Nebraska non-resident insurance producer's license entirely appropriate in this case.

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 2nd day of November, 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. Michael Saunders (NAIC Producer #16129666), Cause No. A-2269.

Dated this 2nd day of November, 2021.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Eric Dunning
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 sent to the Respondent at the Respondent's registered mailing address, 5310 NW 33rd Avenue, Suite 108, Fort Lauderdale, FL 33309, via regular U.S. mail on this 2nd day of November, 2021.

A handwritten signature in cursive script, reading "Sherry Stou", is written over a horizontal line.