

JUN 28 2022

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA	)	
DEPARTMENT OF INSURANCE,	)	
	)	FINDINGS OF FACT,
PETITIONER,	)	CONCLUSIONS OF LAW,
	)	RECOMMENDED ORDER AND
	)	ORDER
VS.	)	
	)	CAUSE NO. A-2295
KEITH HYLOR,	)	
(NAIC Producer #3559713)	)	
	)	
	)	
	)	
RESPONDENT.	)	

This matter came on for hearing on June 28, 2022, before Michael W. Anderson, 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, Megan VanAusdall. Keith Hylor (“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 currently holds a non-resident insurance producer’s license in the State of Nebraska. Respondent’s registered business and mailing address with the Department is 5659 Rio Vista Drive, Clearwater, Florida 33760-3103. Respondent’s

registered mailing address with the Department is 9401 SW 8<sup>th</sup> Street, Pembroke Pines, Florida, 33025-1163. (See Ex. 2, Attachment 1).

3. On or about December 22, 2021, Petitioner received notice from Humana Insurance Company (“Humana”) that it had terminated Respondent’s agent appointments on December 15, 2021. (See Ex. 1, Attachment 1)

4. Humana conducted an internal investigation which revealed that, on or about August 2, 2021, Respondent repeatedly ignored obvious signs of a potential policyholder’s competency deficits and used coercive tactics to enroll the consumer in a Humana healthcare plan. These findings were substantiated by review of recorded calls between the potential policyholder and the Respondent. (See Ex. 1, Attachments 2 & 3)

5. On or about January 24, 2022, a letter was sent by U.S. mail to Respondent’s registered business, mailing, and residence addresses, and e-mailed to his registered e-mail addresses, requesting that he provide a response to Petitioner’s office regarding Humana’s findings. (See Ex. 1, Attachment 4)

6. On or about February 22, 2022, a second letter requesting a response was sent to Respondent via certified mail, return receipt requested, to Respondent’s registered business, mailing, and residence addresses. This letter stated that failure to respond to Petitioner’s inquiry within fifteen days may be considered a violation of the Nebraska Unfair Insurance Trade Practices Act. (See Ex. 1, Attachment 5)

7. On March 9, 2022, Petitioner received in its offices an unsigned Domestic Return Receipt for the February 22 letters mailed to Respondent’s mailing address. (See Ex. 1, Attachment 6)

8. Respondent did not provide a response to Petitioner's office as a result of the January 24, 2022 and February 22, 2022 letters. (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. The Department has personal jurisdiction over Respondent.

3. Pursuant to Neb. Rev. Stat. § 44-4059(1), the Director may levy an administrative fine against an insurance producer's license if it is found that the producer has violated any insurance law.

4. Respondent violated Neb. Rev. Stat. § 44-4059(1)(h) as a result of the conduct found in paragraphs 3-4 in the Findings of Fact and as evidenced by the relevant exhibits received.

5. Petitioner's Office alleges that Respondent violated Neb. Rev. Stat. § 44-4059(1)(g), as a result of the conduct found in paragraphs 5-8 in the Findings of Fact and as evidenced by the relevant exhibits received, however, Petitioner has not sufficiently shown that Respondent received notice of the February 22, 2022 request for information from the Department.

### DISCUSSION

At the hearing, the Department presented sufficient evidence of proper service of notice of these proceedings upon Respondent. The Department served Respondent via certified mail, return receipt requested and regular U.S. mail to the Respondent's registered

address. The Department also provided a Domestic Return Receipt for the notice filings, which, along with the tracking information also provided, confirm delivery to the Respondent. Based upon the evidence of record, the Department's service of the petition and notice of hearing upon Respondent at its mailing address was sufficient and jurisdiction over the actions of the Respondent in this matter has been established.

The uncontested evidence shows that Respondent engaged in behavior that is, at best, incompetent, and, at worst, coercive and dishonest, in relation to a prospective policyholder with clear competency deficits.

These actions constitute a violation of Neb. Rev. Stat. § 44-4059(1)(h).

#### RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's non-resident insurance producer's 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 orders as may be necessary.

Dated this 28<sup>th</sup> day of June, 2022.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE



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Michael W. Anderson  
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. Keith Hylor (NAIC Producer #3559713), Cause No. A-2295.

Dated this 28<sup>th</sup> day of June, 2022.

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 was served upon the Respondent by mailing a copy to Respondent's registered mailing and residential addresses of 5659 Rio Vista Drive, Clearwater, Florida 33760-3103 and 9401 SW 8th Street, Pembroke Pines, Florida, 33025-1163, respectively, via certified mail, return receipt requested and via regular U.S. mail on this 28<sup>th</sup> day of June, 2022.



Shelly Stonie