

MAY 21 2002

FILED

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	
)	FINDINGS OF FACT,
PETITIONER,)	CONCLUSIONS OF LAW,
)	RECOMMENDED ORDER AND
VS.)	ORDER
)	
ERIK T. HOLEN,)	
)	CAUSE NO. A-1457
)	
RESPONDENT.)	

This matter came on for hearing on the 17th day of April, 2002, before Christine M. Neighbors, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance ("Department") was represented by its attorney, Eric B. Dunning. Erik T. Holen, ("Respondent"), was not present and was not represented by an attorney. The proceedings were tape recorded by Stacy Bellefeuille, a licensed Notary Public. Evidence was introduced, and the matter was taken under advisement. As a result of the hearing, the hearing officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. Respondent was a licensed nonresident Nebraska insurance agent at all times material hereto, whose current registered address with the Department is 103 Saxon, Loomis, Nebraska 68958.
2. The Department is the agency of the State of Nebraska charged with licensing insurance agents and brokers.
3. The Petition and Notice of Hearing were served upon the Respondent by mailing the same to his address of record by certified mail, return receipt requested. Respondent received the

Petition and Notice of Hearing on March 29, 2002, as evidenced by the return receipt card attached to Exhibit #1.

4. On or about November 5, 2001, Barbara Ems, an Insurance Investigator of the Department of Insurance sent a certified letter to Respondent regarding a complaint. The letter requested that Respondent respond to certain questions. The Department of Insurance did not receive a response from the Respondent, as evidenced by Exhibit 3.

5. On or about December 3, 2001, Christine Curtis, the Administrator of the Consumer Affairs Division of the Department of Insurance sent a certified letter to Respondent regarding a complaint. The letter requested that Respondent respond to certain questions and stated the consequences for not responding. The Department of Insurance did not receive a response from the Respondent, as evidenced by Exhibit 4.

CONCLUSIONS OF LAW

1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance 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. The Respondent violated Neb.Rev.Stat. §44-1525(11).

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent pay an administrative fine of \$500 for each violation for a total of \$1,000 within thirty days after the date the Director of Insurance signs this Order. If the Respondent fails to pay the administrative fine, and the Respondent files for reinstatement of his insurance agent license, the fine shall be paid and Respondent shall respond to said complaints before reinstatement occurs.

Dated this 21st day of May, 2002.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

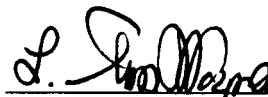

HEARING OFFICER

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 the State of Nebraska Department of Insurance v. Erik T. Holen, Cause No. A-1457.

Dated this 21st day of May, 2002.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



L. TIM WAGNER
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 at 103 Saxon, Loomis, Nebraska 68958 by certified mail, return receipt requested, and U.S. mail, postage prepaid, on this 22nd day of May, 2002.

