

AUG 22 2002

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.)	
)	
PEGGY E. HILL,)	
)	CAUSE NO. A-1477
)	
RESPONDENT.)	

This matter came on for hearing on the 15th day of August, 2002, before Mike Boyd, 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, Linda Sanchez-Masi. Peggy E. Hill ("Respondent") was not present and was not represented by an attorney. The proceedings were tape recorded by Stacey 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 is a licensed resident Nebraska insurance producer whose current registered address with the Department is P.O. Box 103, 40747 Hwy 92, Lyman, NE, 69352-0103.
2. The Department is the agency of the State of Nebraska charged with licensing insurance agents and brokers.

3. The Department filed a Petition and Notice of Hearing on or about July 12, 2002, which were served upon the Respondent by mailing the same to her address of record by certified mail, return receipt requested. On or about August 2, 2002, the envelope containing the Petition and Notice of Hearing was returned to the Department as evidenced by the envelope attached to Exhibit #2. On or about July 12, 2002, the Department ensured service upon the Respondent by mailing said Petition and Notice of Hearing to her address of record via first class United States Mail, as evidenced by Exhibit #2.

4. The Department, in its Petition, alleged that Respondent violated Neb. Rev. Stat. § 44-4028(2) (repealed September 1, 2001) which states that the Director may impose a fine, suspend or revoke an agent's license if that person has "improperly withheld, misappropriated or converted to his or her own use any money belonging to policyholders, insurers, beneficiaries, or others received in the course of business" as a result of the following conduct:

- a. On or about January 1, 2001 through August 31, 2001, Respondent misappropriated insurance premiums received from policyholders, which were due to State Farm Insurance Companies.

5. The Department, in its Petition, alleged that Respondent violated Neb. Rev. Stat § 44-4059(1)(d) (effective September 1, 2001) which states that the Director may impose a fine, suspend or revoke an agent's license if that person has "improperly withheld, misappropriated, or converted any money or property received in the course of doing insurance business" as a result of the following conduct:

- a. On or about September 1, 2001 through February 28, 2002, Respondent misappropriated insurance premiums received from policyholders, which were due to State Farm Insurance Companies.

6. The Department alleged that Respondent misappropriated more than \$14,744.58 as a result of the conduct alleged in paragraphs 4 and 5. This allegation is supported by Exhibit #3, which sets forth all of Respondent's misappropriations of premiums discovered as of April 12, 2002.

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, § 44-361, § 44-4001 et seq. (repealed as of September 1, 2001), and § 44-4047 et seq. (effective as of September 1, 2001).
2. The Department has personal jurisdiction over Respondent.
3. The Respondent violated Neb.Rev.Stat. §§ 44-4028(2) and 44-4059(1)(d).

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's Nebraska resident insurance agent's license be revoked, effective upon the date the Director of Insurance signs this order.

Dated this 22nd day of August, 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 State of Nebraska Department of Insurance v. Peggy E. Hill, Cause No. A-1477.

Dated this 22nd day of August, 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 40747 Hwy 92, Lyman, NE 69352-0103 by certified mail, return receipt requested, on this 22nd day of August, 2002.

