

APR 15 2024

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	CONSENT ORDER
)	
PETITIONER,)	
)	
VS.)	
)	
JESSICA CAP)	CAUSE NO. A-2362
(NAIC Producer #20737759),)	
)	
RESPONDENT.)	

In order to resolve this matter, the Nebraska Department of Insurance (“Petitioner”), by and through its attorney, Cheryl Wolff, and Jessica Cap (“Respondent”), (NAIC Producer #20737759), mutually stipulate and agree as follows:

JURISDICTION

1. Petitioner has jurisdiction over the subject matter and Respondent pursuant to Neb. Rev. Stat. §§ 44.101.01, and 44-4047 to 44-4067.
2. Respondent has been licensed as a resident insurance producer under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACT

1. Petitioner initiated this administrative proceeding by filing a Petition captioned State of Nebraska Department of Insurance vs. Jessica Cap (NAIC Producer #20737759), Cause Number A-2362 on February 14, 2024. A copy of the Petition was sent to the Respondent to her registered business, mailing, and residential address with the Nebraska Department of Insurance at 9851 EMILINE PLAZA APT O, La Vista, Nebraska, 68128, by certified mail, return receipt requested, and by regular U.S. mail. Respondent acknowledges receiving proper Notice of these proceedings.

2. Respondent is alleged to have violated Neb. Rev. Stat. §§ 44-4059 (1) (g) and 44-1525 (11) as follows:

a. In December 2023, the Department received a validation report for Affordable Care Act (“ACA”) plans from the Centers for Medicare and Medicaid Services (“CMS”) listing the Respondent as a producer that may have sold on the ACA Exchange without being appointed by the carrier and not being certified by CMS to sell on the Exchange.

b. Due to the CMS validation report, Respondent was sent several requests for response to the report and failed to respond to those requests as follows:

i. Original inquiry was sent on December 4, 2023, to the business, mailing, and residential address on file with the Department. No response was received.

ii. A follow-up inquiry was sent on December 29, 2023, to the address on file with the Department because no response was received to the original inquiry. No response was received.

iii. A final request for a response was sent to the Respondent on January 22, 2024, by certified mail to the address on file for the Respondent.

iv. On February 5, 2024, the certified letter receipt was returned to the Department, signed by the Respondent.

3. Respondent admits the allegations in Paragraph 2.

4. Respondent was informed of her right to a public hearing. Respondent waives that right and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving her right to a public hearing, Respondent also waives her right to confrontation of witnesses, production of evidence, and judicial review.

CONCLUSIONS OF LAW

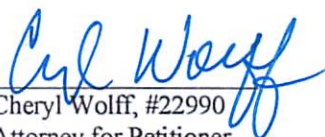
Respondent's conduct as alleged above constitutes violations of Neb. Rev. Stat. §§ 44-4059 (1) (g) and 44-1525 (11), and Respondent is subject to disciplinary action pursuant to Neb. Rev. Stat. §44-4059.

CONSENT ORDER

It is therefore Ordered by the Director of Insurance and agreed upon by the Respondent that:

1. Respondent agrees to pay an administrative penalty in the amount of Five Hundred Dollars (\$500) in order to fully resolve this matter and avoid further litigation.
2. Payment must be made within 30 days after this order is signed. Respondent agrees that if she fails to pay the administrative penalty, Respondent's insurance producer's license shall be suspended until such a time as the penalty is paid. 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.

In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing their signatures below.



Cheryl Wolff, #22990
Attorney for Petitioner
1526 "K" Street, Suite 200
Lincoln, NE 68501-2089
(402) 471-4607

4-12-2024

Date



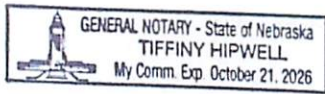
Jessica Cap
Respondent

03/22/2024

Date

State of Nebraska)
County of Douglas) ss.

On this 22 day of March 2024, Jessica Cap, personally appeared before me and read this Consent Order, executed the same, and acknowledged the same to be her voluntary act and deed.



Tiffany Hipwell
Notary Public

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Jessica Cap (NAIC Producer #20737759), Cause Number A-2362.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

[Signature]

Eric Dunning
Director of Insurance

4/15/24
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Consent Order was served upon Respondent by mailing a copy to her business, mailing, and residential address at 9851 EMILINE PLAZA APT O, La Vista, Nebraska, 68128, by certified mail, return receipt requested, by regular U.S. mail, and via email to her attorney, Spencer R. Murphy, at smurphy@bairdholm.com, on this 15th day of April, 2024.

Shelly Storie