

NOV 30 2020

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	CONSENT ORDER
)	
PETITIONER,)	
)	
VS.)	
)	
TYLER CLIFFORD)	CAUSE NO. A-2220
(NAIC Producer #17377393),)	
)	
RESPONDENT.)	

In order to resolve this matter, the Nebraska Department of Insurance ("Petitioner"), by and through its attorney, Michael W. Anderson, and Tyler Clifford, by and through his attorney, David Domina ("Respondent"), 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. Tyler Clifford (NAIC National Producer # 17377393), Cause Number A-2220 on August 25, 2020. A copy of the Petition was sent to the Respondent at his registered address by certified mail, return receipt requested, and by regular U.S. mail. Respondent acknowledges receiving proper Notice of these proceedings.

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2. Respondent is alleged to have violated Neb. Rev. Stat. §§ 44-4059 (1) (b), 44-4059 (1) (g), 44-4059(1) (h), and 44-1524 (1) as follows:

- a. In February of 2020, a complaint was received by the Petitioner's Office, in which Amber Smith ("Complainant"), stated she received a notice from the IRS that she had, without her knowledge, received premium benefits from the Marketplace for which she had not authorized nor enrolled herself in.
- b. Complainant had given Respondent her personal information to receive a quote for insurance back in January of 2017, although she ultimately did not obtain insurance through Respondent.
- c. In December of 2017, the Respondent submitted Complainant's application for health insurance and enrolled her in a zero-cost plan. This coverage was setup by the Respondent to renew in 2019, despite Respondent having received no permission to do so.
- d. Complainant provided recorded phone conversations between Complainant and Respondent, in which Complainant discussed the situation with Respondent. In these calls, the following information was communicated:
 - i. Respondent submitted Complainant for Marketplace coverage using an income of \$22,300, which was lower than the complainant made during that period (Complainant states that she made \$25-\$30 an hour during that period).
 - ii. Respondent admits that he "definitely [expletive]-ed this up" and enrolled Complainant for a zero dollar premium plan, and that "at the end of 2018 ... [he] went in and [he] kept [Complainant's] income the same but just enrolled at zero..."
 - iii. Respondent also stated that he messaged the complainant every year to see if she wanted to reenroll, and that when he didn't hear

anything back from the Complainant, he decided to "just let it keep running".

e. Petitioner's Office requested that Respondent provide a response to the allegations, which Respondent did so in writing dated March 4, 2020. In his statement, Respondent admits the following:

- i. Respondent admits that he spoke to Respondent in January of 2017 and took her information for the purpose of quoting insurance.
- ii. Respondent admits that he attempted contact with Complainant to verify she wanted a Marketplace policy, but was unable to reach the Complainant due to having "nothing about address change, phone number etc".
- iii. Respondent admits that he "made a mistake" in enrolling Complainant for coverage through the Marketplace.
- iv. Respondent admits that he offered, and made, a payment of \$1,000 to the Complainant as a result of his conduct.

3. Respondent admits the allegations in Paragraph 2

4. Respondent was informed of his 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 his right to a public hearing, Respondent also waives his 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) (b), 44-4059 (1) (g), 44-4059(1) (h), and 44-1524 (1), 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 by Respondent that:

1. Respondent agrees to the revocation of his Nebraska non-resident insurance producer's license, with said revocation to be effective on the date this Consent Order is adopted and approved by the Director of Insurance.

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



Michael W. Anderson, #25671
Attorney for Petitioner
1135 M Street, Suite 300
Lincoln NE 68508
(402) 471-2201

11/30/20
Date

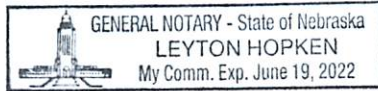


Tyler Clifford
Respondent

11/16/20
Date

State of Ne)
County of Lancaster) ss.

On this 16 day of Nov, 2020, Tyler Clifford, personally appeared before me and read this Consent Order, executed the same, and acknowledged the same to be his voluntary act and deed.


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. Tyler Clifford (NAIC National Producer #17377393), Cause No. A-2220.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

Bruce R. Ramage

Bruce R. Ramage
Director of Insurance

11-30-2020

Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Consent Order was served upon Respondent by mailing a copy to his on-file addresses at 136 E 5th Street, Wahoo, Nebraska, 68066 and 8296 W Mountain Ash Road, Denton, Nebraska, 68339, by certified mail, return receipt requested, by regular U.S. mail, on this 30th day of November, 2020.

Shelly Storie

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STATE OF NEW YORK
COUNTY OF [illegible]

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[illegible name]
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CERTIFICATE OF DEED

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