

MAR 28 2023

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	CONSENT ORDER
)	
PETITIONER,)	
)	
VS.)	CAUSE NO. A-2314
)	
Fernando Rodriguez,)	
(NAIC National Producer #7211251),)	
)	
RESPONDENT.)	

In order to resolve this matter, the Nebraska Department of Insurance (“Petitioner”), by and through its attorney, Laurie Burgess, and Fernando Rodriguez (“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 a resident insurance producer licensed as to conduct business in 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. Fernando Rodriguez (NAIC National Producer #7211251). Cause Number A-2314 on or about February 21, 2023. A copy of the Petition was sent to the Respondent at 15418 Weir St. Ste. 225, Omaha, NE 68137, and at 15005 G Cir., Omaha, NE 68137 by certified mail, return receipt requested, and by regular U.S. mail, and sent by email to F.RODRIGUEZ@PICGROUPUSA.com. Respondent acknowledges receiving proper notice of these proceedings.

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

- a. On or about September 19, 2022, The Nebraska Department of Insurance received notice from Farmers Casualty Insurance Company that Respondent's appointment with Farmers Insurance Company had been terminated due to misappropriation or theft in connection with the agency and other concerns.
- b. On or about September 30, 2022, Nebraska Department of Insurance Examiner Autumn Schafer sent an inquiry by email to the Respondent ("Email 1") at the business and personal email address registered with the Department, requesting information related to the termination of Respondent's appointment. Ms. Schafer requested a response within fifteen days. No response was received by the Department within fifteen days.
- c. On or about November 2, 2022, Ms. Schafer sent a letter to the Respondent ("Letter 1") at his Mailing Address of Record by First Class United States Mail requesting an information about the termination of his appointment. Ms. Schafer requested a response within fifteen days. No response was received by the Department within fifteen days and Letter 1 was not returned to the Department as undeliverable.
- d. On or about November 29, 2022, Ms. Schafer sent a follow-up letter to Respondent ("Letter 2") at the Mailing Address on record with the Department by certified mail, return receipt requested. Letter 2 demanded immediate response and informed Respondent that failure to respond within fifteen working days may be construed as an unfair trade practice. On or about December 6, 2022, the Domestic Return Receipt was returned to the Department by the United States Post Office confirming delivery

to the Mailing Address. The Respondent failed to respond to the Department within fifteen days.

- e. On or about December 21, 2022, Ms. Schafer sent an additional request for response to the Respondent ("Letter 3") at the Residence address on record with the Department by certified mail, return receipt requested. Letter 3 demanded immediate response and informed Respondent that failure to respond within fifteen working days may be construed as an unfair trade practice. On or about January 10, 2023, the Domestic Return Receipt was returned to the Department by the United States Post Office stating it was returned as unclaimed.
- f. Respondent provided a written response to the inquiries, in an email response sent to the Department through his attorney on March 1, 2023. ("Responsive e-mail")

3. Respondent admits the allegations in Paragraphs 2 and 3.

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.

5. Respondent has been represented at all relevant times by his attorney James Crampton and enters this Consent Order after consultation with said counsel.

CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes violations of Neb. Rev. Stat. §§ 44-4059(1)(b), 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 to by Respondent, Fernando Rodriguez, that:

1. Respondent agrees to pay an administrative fine of five hundred dollars (\$500.00) within fourteen (14) days of the adoption of this Consent Order by the Director.

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

Laurie Burgess, #20669
Attorney for Petitioner
1526 K Street, Suite 200
Lincoln NE 68509
(402) 471-2201

Fernando Rodriguez
Respondent

_____ Date

3/22/23
_____ Date


State of NEBRASKA)
) ss.
County of Douglas)

On this 22 day of March, 2023, Fernando Rodriguez personally appeared before me and read this Consent Order, executed the same, and acknowledged the same to be his voluntary act and deed.

State of Nebraska - General Notary
JAMES WCRAMPTON
My Commission Expires
November 30, 2025

Notary Public

Approved as to form and content:

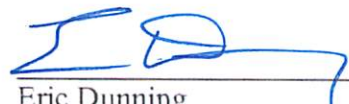

James Crampton 1622
The Law Office of James Walter Crampton
319 S. 17th Street, Suite 740
Omaha, NE 68102
Counsel for Respondent

3-22-23
Date

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. Fernando Rodriguez (NAIC National Producer #7211251), Cause No. A-2314.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE


Eric Dunning
Director of Insurance

3/28/23
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 counsel, James Crampton, The Law Office of James Walter Crampton, 319 S. 17th Street, Omaha, NE 68102, by certified mail, return receipt requested, on this 27th day of March, 2023.

