

JAN 19 2024

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA	)	
DEPARTMENT OF INSURANCE,	)	CONSENT ORDER
	)	
PETITIONER,	)	
	)	
VS.	)	
	)	
DAVID C. BURKE	)	CAUSE NO. A-2354
(NAIC Producer #3128011),	)	
	)	
RESPONDENT.	)	

In order to resolve this matter, the Nebraska Department of Insurance (“Petitioner”), by and through its attorney, Cheryl Wolff, and David C. Burke (NAIC Producer #3128011) (“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 after completing an investigation of the Respondent’s conduct after receiving a notice of termination for cause from Farm Bureau Life Insurance Company. At that time, the Respondent was verbally notified by the Petitioner that an administrative action on his license would be opened regarding the alleged violations of the Insurance Producer’s Licensing Act.
2. Respondent is alleged to have violated Neb. Rev. Stat. §§ 44-4059 (1) (h) using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere; (j) forging another's name to an application for insurance or to

any document related to an insurance transaction; and 44-1524 (2) has been committed with such frequency as to indicate a general business practice to engage in that type of conduct, as follows:

a. On September 14, 2023, the Petitioner received a Notice of Termination for Cause from Farm Bureau Life Insurance Company due to fraud by the Respondent.

b. On September 21, the Petitioner sent the Respondent a letter requesting he respond to the allegations made by Farm Bureau Life Insurance Company and explain his actions.

c. On October 18, 2023, the Petitioner received paperwork from Respondent to voluntarily surrender his producer license.

c. On October 19, 2023, Respondent sent the Petitioner a response in which he admitted to affixing clients' signatures, both electronic and physical, on various insurance forms such as low mileage discounts and underwriting level changes without receiving the client's authorization to affix an electronic signature. He did admit to forging a policyholder's physical signature on a roof affidavit, which included fraudulent information. He admits his affixing electronic signatures was wrong and forging the signature on the roof affidavit was a mistake. He did not intent to commit fraud as he mistakenly believed the information on the roof affidavit was correct.

d. Respondent affixed electronic signatures to numerous documents during his employment at Farm Bureau Life Insurance Company and admitted he forged a physical signature on one document.

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

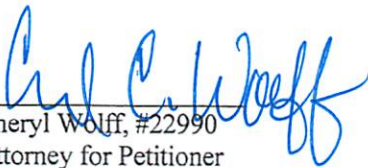
Respondent's conduct as alleged above constitutes violations of Neb. Rev. Stat. §§ 44-4059 (1) (h), (j), and 44-1524 (2), and Respondent is subject to disciplinary action pursuant to Neb. Rev. Stat. §44-4059.

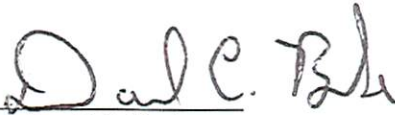
CONSENT ORDER

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

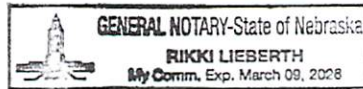
1. Respondent agrees to the revocation of his Nebraska resident insurance producer's license, with said revocation to be effective on the date this Consent Order is adopted and approved by the Director of Insurance.

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


  
Cheryl Wolff, #22990  
Attorney for Petitioner  
1526 "K" Street, Suite 200  
Lincoln, NE 68501-2089  
(402) 471-4607  
1-19-2024  
Date

  
David C. Burke  
Respondent  
1-18-24  
Date

State of Nebraska                    )  
  ) ss.  
County of Douglas                    )



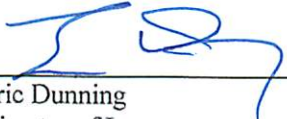
On this 18 day of January 2024, David C. Burke, personally appeared before me and read this Consent Order, executed the same, and acknowledged the same to be his voluntary act and deed.

  
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. David C. Burke (NAIC Producer #3128011), Cause No. A-2354.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

  
Eric Dunning  
Director of Insurance  
Date 1/19/24

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Consent Order was served upon Respondent by mailing a copy to his registered business, mailing, and residential address at, Farm Bureau Financial Services, 6606 S. 168<sup>th</sup> Street, Ste. 200, Omaha, NE 68135-5420, 6606 S 168<sup>th</sup> St. Ste 200, Omaha, NE 68135-5420 and 7018 S. 183<sup>rd</sup> St., Omaha, NE 68136-2130, by certified mail, return receipt requested, by regular U.S. mail, and via electronic mail at [dave07burke@gmail.com](mailto:dave07burke@gmail.com) on this 19<sup>th</sup> day of January, 2024.

