

FEB 6 2024

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA	)	
DEPARTMENT OF INSURANCE,	)	CONSENT ORDER
	)	
PETITIONER,	)	
	)	
VS.	)	
	)	
JULIO NIETO,	)	CAUSE NO. A-2355
(NAIC Producer #20310021),	)	
RESPONDENT.	)	
	)	

In order to resolve this matter, the Nebraska Department of Insurance (“Petitioner”), by and through its attorney, Megan VanAusdall, and Julio Nieto, (“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 non-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 and Notice of Hearing, captioned State of Nebraska Department of Insurance vs. Julio Nieto (NAIC National Producer #20310021), Cause Number A-2355, on January 17, 2024. A copy of the Petition and Notice of Hearing were 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.

2. Respondent is alleged to have violated Neb. Rev. Stat. §§ 44-4059(1) (b), 44-4054(8), and 44-1524 (1), as follows:

a. On July 14, 2023, United Services Automobile Association, (hereafter, "USAA") notified Petitioner's Office that Respondent's employment had been terminated for cause, and Respondent's appointments with USAA, as well as USAA Casualty Insurance Company, USAA General Indemnity Company and USAA Garrison Property & Casualty Insurance Company had been terminated also, effective July 1, 2023. On or about July 14, 2023, an Investigator with Petitioner's Insurance Complaints Division, Renee Foster ("Foster"), requested more information on USAA's decision to terminate Respondent's employment, which USAA subsequently provided on July 18, 2023, by providing a Corporate Investigations Report.

b. On or about August 17, 2023, Foster sent a letter to Respondent's registered residential and mailing address with the Department, via regular mail, requesting a response to the notice of termination of Respondent's employment with USAA, as well as a response to the allegations resulting in such termination of employment. This letter was also sent to Respondent's personal email address (taken from USAA's Corporate Investigations Report).

c. On or about September 21, 2023, having not received a response to her letter sent via regular mail, Foster sent a second letter to Respondent's registered residential and mailing address with the Department, via certified mail, return receipt requested. A copy of the previous letter sent in August 2023 was enclosed. Foster also attached copies of these two letters to the email she sent on the same date, addressed to

Respondent's personal email address. Both the certified mail and electronically delivered letters requested Respondent respond to USAA's allegations leading to termination of employment. On October 19, 2023, the Department received the letter sent via certified mail, marked "RETURN TO SENDER, UNCLAIMED, UNABLE TO FORWARD."

d. On October 19, 2023, Foster sent a second email, to an address which had been updated in State Based Systems ("SBS") as Respondent's new business email contact, with the prior letter sent September 2023 attached digitally. This email again requested a response to USAA's allegations leading to the termination of Respondent's employment and stated that failure to respond within 15 working days might be considered a violation of the Nebraska Trade Practices Act. On the same date, Foster also made a telephone call to Respondent's registered primary phone number, and while Foster was unable to reach Respondent, she left a voicemail, requesting a call back to discuss the delay in Respondent's answer to her previous inquiries.

e. On or about October 20, 2023, Respondent attempted to return Foster's call but was unable to reach her and left a voicemail in which Respondent stated that he had surrendered his non-resident insurance license in Texas, and further that Respondent had moved to Colorado. Respondent further stated he would provide a response to the Department's prior inquiries.

f. On the same date, Foster called Respondent a second time and was able to hold a brief conversation with him. Foster advised Respondent that she had made multiple attempts to contact him at his personal email address, registered addresses

with the Department, and registered phone numbers, which had all failed to reach Respondent. Respondent apologized, and again explained his resident state had changed to Colorado, upon which Foster told Respondent he had a duty to update his address in a timely manner if it changed, and provided Respondent information on how to complete that process using the Department's website, specifically the licensing page. Respondent further stated that his new employer, "The Hartford," is attempting to help Respondent obtain an insurance license in Colorado, and that the Texas Department of Insurance had not reached out on the matter of surrendering his Texas insurance license. Foster finished the conversation by advising Respondent that delays in his response to the Department's inquiries could lead to an administrative action being taken against his license, and by asking that Respondent's answer be formatted as a separate letter, not a reply in the body of an email.

g. On October 23, 2023, Respondent sent Foster an email, the body of which addressed the allegations leading to USAA's terminating his employment. Respondent denied the allegations and attached several documents and pictures to the email to rebut the allegations.

h. On October 23, 2023, Foster replied to Respondent's email sent the same date, stating that, as previously discussed on the phone, the Department requested Respondent's response be formatted as a letter, dated and signed by Respondent. Foster further advised that the Department was specifically asking for an explanation of the allegations leading to Respondent's loss of employment and an answer to their prior inquiry letters.

i. On November 7, 2023, Foster sent an email to Respondent, addressed to Respondent's updated, registered personal and business email, noting that Respondent's address had not been updated and advised Respondent "the Producers Licensing Act requires you to inform the Department of an address change within 30 days after the change."

j. As of January 3, 2024, Respondent had not updated their registered address with the Department.

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 Neb. Rev. Stat. §§ 44-4059(1) (b), 44-4054(8), and 44-1524 (1), and Respondent is subject to disciplinary action pursuant to Neb. Rev. Stat. §44-4059.

#### CONSENT ORDER

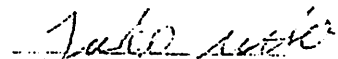
It is therefore Ordered by the Director of Insurance and agreed by Respondent that:

1. Respondent's non-resident insurance producer's license in Nebraska shall be revoked.

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



Meghan VanAusdall, #27433  
Attorney for Petitioner  
1526 K Street, Suite 200



Julio Nieto  
Respondent

Lincoln NE 68501  
(402) 471-4742

2-6-2024

Date

2-6-2024

Date

State of Nebraska  
County of Lincoln

On this 6 day of February, 2024, Julio Nieto personally appeared before me and read this Consent Order, executed the same, and acknowledged the same to be his voluntary act and deed.

WYATT COLON LOSS  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20174940043  
MY COMMISSION EXPIRES SEPTEMBER 27, 2025

*[Signature]*  
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 Julio Nieto, NAIC Producer #20310021, Cause No. A-2355.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

*[Signature]*

Eric Dunning  
Director of Insurance

2/6/24  
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Consent Order was served upon Respondent by mailing a copy to his registered residential and mailing address, 1639 Cable Ranch Rd, APT 17209, San Antonio, TX 78245, and to Respondent's registered business address, 1 Hartford Plaza, Hartford, CT 06155, by certified mail, return receipt requested, by regular U.S. mail, as well as sending a copy electronically as an attachment, to [jnieoto93@outlook.com](mailto:jnieoto93@outlook.com) on this 6<sup>th</sup> day of February, 2024.

Shelley Storie