

JAN 25 2012

FILED

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	
)	CONSENT ORDER
PETITIONER,)	
)	
VS.)	CAUSE NO. A-1936
)	
SHIRLEY I. GROPP,)	
NAIC National Producer # 6100205)	
)	
RESPONDENT.)	

In order to resolve this matter, the Nebraska Department of Insurance (“Department”), by and through its attorney, Michael C. Boyd, and Shirley I. Gropp (“Respondent”) mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to Neb. Rev. Stat. §§ 44-101.01, and 44-4047 et seq. (Reissue 2010).
2. Respondent was licensed as a non-resident insurance agent under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Shirley I. Gropp, Cause Number A-1936 on December 30, 2011. A copy of the petition was served upon the Respondent at the Respondent’s home address registered with the Department by certified mail, return receipt requested and by First Class U.S. Mail.

2. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(b), 44-4059(1)(h), and 44-4064 (Reissue 2010) as a result of the following conduct:

- a. On or about December 23, 2010, Respondent issued a check through Peoples Insurance of Concordia, KS in the amount of \$60.00 to the Petitioner as payment for Respondent's renewal licensing fees. Respondent's check was returned to the Petitioner by Respondent's bank marked "Return Reason – C, Stop Payment." Respondent failed to allow the processing of this check on the Peoples Insurance bank account to allow clearing of this check, and as such has failed to pay the required renewal licensing fees.
- b. On or about January 31, 2011, Petitioner's Licensing Division sent a notice to Respondent at Respondent's registered business address by certified mail requiring that the Respondent replace the check with either "a credit card payment, money order or certified check, in the amount of the returned check plus a \$25 administrative cost for a total of \$85.00, WITHIN TEN DAYS FROM THE DATE OF THIS LETTER." (Emphasis in original.) On or about February 2, 2011, the certified mail was received and signed for at Respondent's registered business address. To date, Respondent has failed to respond to this notice, replace the check, or pay the required renewal licensing fees.
- c. On or about March 24, April 4, and July 13, 2011, Licensing Administrator Jason McCartney attempted to contact Respondent at her telephone number, but was unable to speak with her so he left a voice message each time regarding her need to cover the outstanding stop payment check and returned check fee. To date, Respondent has failed to respond to any of those voice messages, replace the check, or pay the required renewal licensing fees.

3. 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.

4. Respondent admits the allegations stated in Paragraph 2.

CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes a violation of Neb. Rev. Stat. §§ 44-4059(1)(b), 44-4059(1)(h), and 44-4064 (Reissue 2010).

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. Shirley I. Gropp, Cause No. A-1936.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

Bruce R. Ramge
BRUCE R. RAMGE
Director of Insurance

1-25-2012
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to Respondent at 1712 N. 150 Road, Concordia, KS 66901 by certified mail, return receipt requested on this 25th day of January, 2012.

Tracy A. Linder

RECEIVED

JAN 23 2012

**NEBRASKA DEPARTMENT
OF INSURANCE**