BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

STATE OF NEBRASKA DEPARTMENT OF INSURANCE, PETITIONER, VS. KRISTINA CLARK, NAIC National Producer #6786173 RESPONDENT.	)))))))))	CONSENT ORDER CAUSE NO. A-1937

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Michael C. Boyd, and Kristina Clark ("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. Kristina Clark, Cause Number A-1937 on January 4, 2012. 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 January 14, 2011, Respondent issued a check in the amount of $60.00 to the Petitioner as payment for Respondent's licensing fees. Respondent's check was returned to the Petitioner by Respondent's bank marked "Return Reason – A, Not Sufficient Funds." Respondent failed to maintain sufficient funds in her bank account to allow clearing of this check, and as such has failed to pay the required licensing fees.

b. On or about March 23, 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 March 28, 2011, the certified mail was received and signed for at Respondent's registered business address. Respondent failed to respond to that notice, replace the check, or pay the required licensing fees.

c. On or about April 19, May 19, July 13, September 22 and December 15, 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 insufficient fund check and returned check fee. Respondent failed to respond to those voice messages to replace the check, or pay the required licensing fees.

d. On or about January 25, 2012, after being served a copy of the petition, the Respondent made a credit card payment to the Department of $85.00 to cover the amount of the returned check ($60.00) plus a $25 administrative cost for the returned check.

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).

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed by Respondent, Kristina Clark, that she shall pay an administrative fine of $500. The fine shall be paid in total within thirty (30) days after the Director of the Department of Insurance affixes his signature to this document and approves this consent agreement. If Respondent fails to pay this fine in the time specified, her Nebraska's insurance producer license shall automatically be suspended. In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing their signature below.

Michael C. Boyd

Michael C. Boyd
Attorney for Petitioner
941 O Street, Suite 400
Lincoln, NE 68508
(402) 471-2201

1-31-2012
Date

Kristina Clark

Kristina Clark,
Respondent

01.27.2012
Date

State of Colorado)
) ss.
County of Larimer)

On this 27 day of January, 2012, Kristina Clark personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be her voluntary act and deed.

Notary Public

CHAD WHITE
NOTARY PUBLIC
STATE OF COLORADO
MY COMMISSION EXPIRES 03/20/2014

CHAD WHITE
NOTARY PUBLIC
STATE OF COLORADO
MY COMMISSION EXPIRES 03/20/2014

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. Kristina Clark, Cause No. A-1937.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

Bruce R. Ramge

BRUCE R. RAMGE
Director of Insurance

1-31-2012

Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to Respondent at 623 Countryside Drive, Fort Collins, CO 80524 by certified mail, return receipt requested on this day of 31st day of January, 2012.

Tracy A. Fuchs