

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

FEB 22 2012

FILED

STATE OF NEBRASKA )  
DEPARTMENT OF INSURANCE, )  
 )  
PETITIONER, )  
 )  
VS. )  
 )  
JOHN S. TUVE, )  
NAIC National Producer # 270783 )  
 )  
RESPONDENT. )

CONSENT ORDER

CAUSE NO. A-1938

In order to resolve this matter, the Nebraska Department of Insurance (“Department”), by and through its attorney, Michael C. Boyd, and John S. Tuve (“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 an insurance agent under the laws of Nebraska at all times material hereto. Respondent’s registered business address with the Department is Tuve Investments, 227 E. San Marnan Drive, Waterloo, IA 50702-5829 and whose registered home address with the Department is 32309 Newall Ave., Parkersburg, IA 50665-7501.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. John S. Tuve, Cause Number A-1938 on January 25, 2012. A copy of the petition was served upon the Respondent at the Respondent’s business address registered with the Department by certified mail, return receipt requested and Respondent’s home address registered with the Department by First Class U.S. Mail.

2. Respondent violated Neb. Rev. Stat. §§ 44-4065(1) and 44-4059(1)(b) (Reissue 2004)

as a result of the following conduct:

- a. An investigation by the Iowa Insurance Division (“IID”) into certain acts of the Respondent determined that he had misrepresented client documents and “churned” a life insurance policy. IID alleged that this conduct of Respondent violated Iowa Code Chapters 507B and 522B, as well as Iowa Administrative Code 191 – Chapters 10 and 15.
- b. As a result of the investigation referenced in subparagraph 5a above, Respondent was the subject of an Agreement, Order and Consent To Order relating to the investigation findings for an administrative action titled In the Matter of: John S. Tuve, National Producer License No. 270783, whereby Respondent entered into a consent agreement with IID. Respondent neither admitted nor denied the allegations that he had engaged in acts or practices within the State of Iowa constituting violations of Iowa Code Chapters 507B and 522B and Chapters 10 and 15 of the Iowa Administrative Rules, but would cease and desist from further violations of the Iowa Code and Iowa Administrative Rules, and agreed to pay an administrative fine to the IID of \$1,000. The Consent Order was made effective June 1, 2011 when it was signed by the Enforcement Bureau Chief of the IID, thereby finalizing the administrative action taken against Respondent by the IID.
- c. Respondent failed to report to the Department the administrative action taken by the IID referenced in subparagraph 5b above within thirty days of the final disposition of the administrative action.

3. 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.

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. §§ 44-4065(1) and 44-4059(1)(b) (Reissue 2010).

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent John S. Tuve, that Respondent shall pay an administrative fine in the amount of two hundred fifty dollars (\$250.00) due within 30 days after the Director of Insurance or his designee approves and signs this consent order. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling the Department to make application for such orders as may be necessary. In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his signature below.

Michael C. Boyd  
Michael C. Boyd, #10394  
Attorney for Petitioner  
941 O Street, Suite 400  
Lincoln, NE 68508  
(402) 471-2201

John S. Tuve  
John S. Tuve,  
Respondent

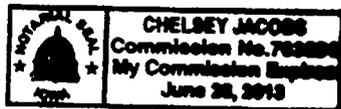
2-22-2012  
Date

2-17-2012  
Date

State of Iowa )  
County of Black Hawk ) ss.

On this 17 day of February 2012, John S. Tuve personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.

Chelsey Jacobs  
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. John S. Tuve, Cause No. A-1938.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

  
\_\_\_\_\_  
BRUCE R. RAMGE  
Director of Insurance

2-22-2012  
\_\_\_\_\_  
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent, at Tuve Investments, 227 E. San Marnan Drive, Waterloo, IA 50702-5829 , by certified mail, return receipt requested on this 22<sup>nd</sup> day of February, 2012.

  
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