

MAY 02 2012

FILED

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	
)	CONSENT ORDER
PETITIONER,)	
)	
VS.)	CAUSE NO. A-1943
)	
ROBERT RAY HOTCHKISS,)	
NAIC National Producer # 9156439)	
)	
RESPONDENT.)	

In order to resolve this matter, the Nebraska Department of Insurance (“Department”), by and through its attorney, Michael C. Boyd, and Robert Ray Hotchkiss (“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 producer under the laws of Nebraska at all times material hereto. Respondent’s registered business address with the Department is P. O. Box 196, Delmont, SD 57330-0196 and whose registered home address with the Department is 28466 401st Ave., Delmont, SD 57330-5900.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by originally filing a petition styled State of Nebraska Department of Insurance vs. Robert Ray Hotchkiss, Cause Number A-1943 on February 27, 2012. A copy of the petition was attempted to be 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.

However, both were returned by the United States Postal Service showing Respondent had a new address, but could not be forwarded due to "Time Expired – Return to Sender". A copy of the petition and amended notice of hearing was then filed on March 21, 2012 and was served upon the Respondent at Respondent's new address, 105 S. Adair St., Delmont, SD 57330-7700 by certified mail return receipt requested and regular U.S. Mail.

2. Respondent violated Neb. Rev. Stat. §§44-4059(1)(b), 44-4059(1)(i) and 44-4065(1) (Reissue 2010) as a result of the following conduct:

- a. As a result of an investigation by the South Dakota Department of Revenue and Regulation Division of Insurance ("SD Division of Insurance") into certain acts of the Respondent, the SD Division of Insurance entered into a Consent Order with Respondent for an administrative action titled In The Matter Of Robert Ray Hotchkiss. The Consent Order set forth allegations that Respondent engaged in certain actions in violation of South Dakota law involving submission of a group insurance policy application in the name of a company; submission of false insurance applications of certain individuals under that group insurance policy application in the name of a company; and failure to respond to certain written inquiries of the SD Division of Insurance. The Consent Order further noted that Respondent neither admitted nor denied the allegations of such violations of South Dakota law. Under the Consent Order the Respondent agreed to the voluntary revocation of his resident insurance producer license and to cease the transaction of insurance business in South Dakota. The revocation of the Respondent's resident insurance producer license under the Consent Order was made effective January 11, 2011 when it was signed by the Director of the South Dakota Division of Insurance, thereby finalizing the administrative action taken against Respondent by the SD Division of Insurance.
- b. Respondent failed to report to the Department the administrative action taken by the SD Division of Insurance referenced in subparagraph 5a 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. §§44-4059(1)(b), 44-4059(1)(i) and 44-4065(1) (Reissue 2010).

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed by Respondent, Robert Ray Hotchkiss, that Respondent's insurance producer license shall be immediately revoked. Additionally, Respondent is required to return his license to the Department of Insurance within ten (10) business days from the date the Director of the Department of Insurance affixes his signature to this document and approves this consent agreement. 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, #10394
Attorney for Petitioner
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Lincoln, NE 68508
(402) 471-2201

Robert Ray Hotchkiss
Robert Ray Hotchkiss,
Respondent

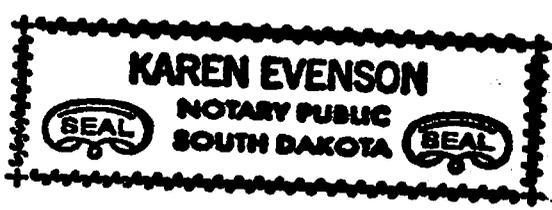
4-25-12

5-1-2012
Date

4-24-12
Date

State of South Dakota)
County of BenHorn) ss.

On this 25 day of April, 2012, Robert Ray Hotchkiss personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.



Karen Evenson
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. Robert Ray Hotchkiss, Cause No. A-1943.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

Bruce R. Ramge

BRUCE R. RAMGE
Director of Insurance

5-2-2012

Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent, at 105 S. Adair St., Delmont, SD 57330-7700, by certified mail, return receipt requested on this 2nd day of May, 2012.

Tracy A. Luhn