

JUL 25 2012

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA	)	
DEPARTMENT OF INSURANCE,	)	
	)	CONSENT ORDER
PETITIONER,	)	
	)	
VS.	)	CAUSE NO. A-1948
	)	
DAVID P. GOALEY,	)	
NAIC National Producer No. 231952,	)	
	)	
RESPONDENT.	)	
	)	

In order to resolve this matter, the Nebraska Department of Insurance (“Department”), by and through its attorney, Joel F. Green and David P. Goaley (“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.
2. Respondent was licensed as an insurance producer under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACT

3. The Department initiated this administrative proceeding by filing a Petition and Notice of Hearing styled State of Nebraska Department of Insurance vs. David P. Goaley, Cause Number A-1948 on June 13, 2012. A copy of the Petition and Notice of Hearing was served upon

Respondent at 802 Tara Plaza, Suite 106, Papillion, NE 68046, by certified mail, return receipt requested, and at 13033 Franklin Street, Omaha, NE 68154, by regular U.S. mail.

4. Respondent is alleged to have violated NEB. REV. STAT. §§ 44-4059(1)(b), 44-4059(1)(h), and 44-4059(1)(j) as a result of the following conduct:

- a. On or about November 16, 2011, Respondent forged the signature of policyholder, Loyd W. ("Complainant"), on an Application, Suitability Profile, Transfer/1035 Exchange Request, Replacement of Life Insurance or Annuities form, and Secure Index Opportunities Plus Disclosure form, and submitted the forms to One Resource Group ("ORG"), who overnighted the application to ING USA Annuity and Life Insurance Company ("ING").
- b. On or about November 23, 2011, Respondent forged Complainant's initials on the annuity application with a corrected date, and resubmitted the form to ORG, who forwarded the application to ING.
- c. On or about November 29, 2011, Respondent forged Complainant's signature on a new annuity Application form when the original application form was not accepted by ING because of an incorrect date. Respondent submitted the form to ORG, who forwarded the application to ING.

5. Respondent allegedly violated NEB. REV. STAT. §§ 44-1525(11), 44-4059(1)(b) and 44-4059(1)(g) as a result of the Respondent's failure to respond to written inquiries from the Department of Insurance indicating unfair trade practices and violations of the Nebraska Insurance Producers Licensing Act as follows:

- a. On or about February 7, 2012, Complainant filed a written consumer complaint with the Department alleging Respondent forged Complainant's signature on various annuity forms.
- b. On or about February 14, 2012, Scott Zager, Insurance Investigator for the Department's Consumer Affairs Division, sent a written letter of investigative inquiry to Respondent regarding the allegations made by Complainant. The investigatory letter was sent to Respondent via First Class United States Mail to Respondent's registered business address at 802 Tara Plaza, Suite 106, Papillion, NE 68406.
- c. Respondent failed to reply to the investigatory letter dated February 14, 2012 within fifteen (15) working days.

6. In the spirit of cooperation and in order to avoid further expense and loss of time, Respondent enters into this Consent Order freely and voluntarily. Respondent was informed of his right to a public hearing and waives that right. Respondent understands and acknowledges that by waiving the right to a public hearing, Respondent also waives the right to confrontation of witnesses, production of evidence, and judicial review.

7. Respondent neither admits nor denies the allegations set forth in the Petition and Notice of Hearing as referenced in Paragraphs 4 and 5 of this document, but is willing to amicably resolve all pending matters in order to avoid the uncertainty and expense of litigation. Respondent therefore stipulates and consents to the payment of an administrative fine in the amount of five thousand dollars.

#### CONCLUSIONS OF LAW

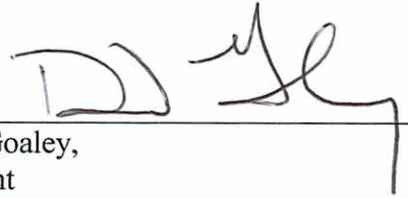
Respondent's conduct as alleged above constitutes a violation of NEB. REV. STAT. §§ 44-1525(11), 44-4059(1)(b), 44-4059-(1)(g), 44-4059(1)(h) and 44-4059(1)(j) and is subject to disciplinary action pursuant to NEB. REV. STAT. § 44-4059.

#### CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent, David P. Goaley, that Respondent shall pay an administrative fine in the amount of five thousand dollars due within 30 days after the Director of Insurance or his designee approves and signs this Consent Order as a final Order in this matter. If Respondent fails to pay the aforementioned administrative fine or fails to comply with any other terms of the Consent Order, the Department shall retain

jurisdiction to make application for any such further orders as may be necessary which shall include the revocation of Respondent's insurance producer license.

  
Joel F. Green, #22900  
Attorney for Petitioner  
941 O Street, Suite 400  
Lincoln, NE 68508  
(402) 471-2201

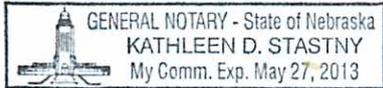
  
David P. Goaley,  
Respondent

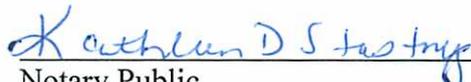
7-24-2012  
Date

7-19-12  
Date

State of Nebraska )  
County of Douglas ) ss.

On this 19 day of July, 2012, David P. Goaley personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.



  
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. David P. Goaley, Cause No. A-1948.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

*Bruce R. Ramge*

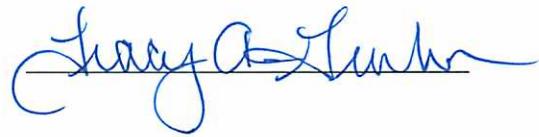
BRUCE R. RAMGE  
Director of Insurance

*7-25-2012*

Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent, David P. Goaley, at 802 Tara Plaza, Suite 106, Papillion, NE 68046, and upon Respondent's counsel, Steven E. Achelpohl, at Gross & Welch, PC, LLO, 1500 Omaha Tower, 2120 South 72<sup>nd</sup> Street, Omaha, NE 68124-2342, by certified mail, return receipt requested, on this 25<sup>th</sup> day of July, 2012.

A handwritten signature in blue ink, appearing to read "Tracy A. Lunk", written over a horizontal line.