

OCT 12 2012

FILED

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

STATE OF NEBRASKA	)	
DEPARTMENT OF INSURANCE,	)	CONSENT ORDER
	)	
PETITIONER,	)	
	)	
VS.	)	
	)	
MARVIN ANTONION SMITH,	)	CAUSE NO. A-1957
NAIC National Producer # 5958363	)	
	)	
RESPONDENT.	)	

In order to resolve this matter, the Nebraska Department of Insurance (“Department”), by and through its representative, Eric Dunning, and Marvin Antonion Smith, (“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 held an insurance producer license under the laws of Nebraska at all times material to this petition. Respondent’s insurance producer license expired July 31, 2012, and has not been renewed as of the date of the filing of the Petition resolved by this Consent Order.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Martin Antonion Smith, on September 13, 2012. A copy of the petition was served upon the Respondent at the Respondent's address registered with the Department by certified mail, return receipt requested, and First Class United States Mail.

2. The petition alleges that Respondent violated Neb.Rev.Stat. § 44-4059 (1)(b) and Neb. Rev. Stat. § 44-1525(11) as a result of the following conduct:

- a. On or about March 5, 2012, Cynthia Williamson, an Insurance Investigator employed by the Department of Insurance, sent a letter to Respondent at Respondent's registered home address, by Certified Mail return receipt requested, requesting additional information regarding a complaint filed with regard to Stacie Wade. The letter included a request for a response within 15 days. The letter was returned to the Department as "Return to Sender, Unclaimed" on March 30, 2012.
- b. On or about April 2, 2012, Cynthia Williamson sent a follow-up letter to Respondent at Respondent's registered home address by Certified Mail return receipt requested. The signed return receipt was returned to the Department on April 9, 2012. The letter included a request for a response within 15 working days. No response was received within 15 working days. A follow-up letter was sent April 30, 2012. No response has been received to date. A second follow-up letter was sent Certified Mail return receipt requested on June 22, 2012. The letter was returned to the Department as "Return to Sender, Unclaimed" on July 16, 2012.

3. The 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 allegation restated in Paragraph 2 above.

#### CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes a violation of Neb.Rev.Stat. §§44-4059(1)(b) and 44-1525(11).

#### CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent that Respondent agrees to pay an administrative penalty of five hundred dollars (\$500) within sixty (60) days of the date that this order is signed by the Director of Insurance. The Nebraska Department of



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. Marvin Antonion Smith, Cause Number A-1957.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE



BRUCE R. RAMGE  
Director of Insurance



Date

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Petition and Notice of Hearing is served upon the Respondent by sending a copy to Respondent at his home address as registered with the Department of Insurance, PO Box 79265 Ation Road, New Orleans, LA 70179, via certified mail, return receipt requested Mail on this 12<sup>th</sup> day of October, 2012.

