

JAN 23 2013

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	
)	CONSENT ORDER
PETITIONER,)	
)	CAUSE NO. A-1970
VS.)	
)	
MINH D. NGUYEN,)	
NAIC NATIONAL PRODUCER)	
#11731888)	
)	
RESPONDENT.)	

In order to resolve this matter, the Nebraska Department of Insurance (“Department”), by and through its attorney, Charles A. Hamilton, and Minh D. Nguyen (“Respondent”), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to NEB. REV. STATS. §§ 44-101.01 and 44-4047 et seq. (Reissue 2010). Said jurisdiction and control have been present at all times material hereto.

2. Minh D. Nguyen (“Respondent”) is a licensed insurance producer, whose current registered business and home address with the Nebraska Department of Insurance is 3030 Porter Circle, Lincoln, Nebraska 68516.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Minh D. Nguyen, Cause Number A-1970, on January 2, 2013. A copy of the petition was served upon Respondent at the Respondent’s registered business and home address, 3030 Porter Circle, Lincoln, Nebraska, 68516.

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2. Respondent violated Neb. Rev. Stats. §§ 44-4059(1)(d), (g), and (h) as a result of the following conduct set forth below:

- a. On or around May 4, 2011, Senior Auditor Matthew J. Carr, District Manager Chester Good, and Division Marketing Manager Ron Freiburger, all employees of Farmers Insurance Group, investigated a concern from the Accounting Department of Farmers Insurance Group regarding the Respondent, a Farmers Insurance Group agent at that time, regarding outstanding cash premiums from the Respondent's agency, Minh Nguyen Insurance Agency, located at 611 North 27th Street, Suite 6, in Lincoln, Nebraska, and allegations of the Respondent not depositing all monies due to Farmers Insurance Group with Farmers Insurance Group, after requests from the Accounting Department. On or about that same date, the three above named employees counted the cash on hand at the insurance agency of the Respondent. That cash count revealed that approximately \$2,200.00 was missing in cash premium payments from insureds. Upon questioning, the Respondent revealed to Mr. Carr that the Respondent had been using the premium payments for his own personal use.
- b. Also on or about May 4, 2011, the above-detailed investigation of the insurance activities of the Respondent revealed the following uses of premium payments by insureds for other purposes than paying premiums:
 - i. On or about April 15, 2011, the Respondent received a check in the amount of five hundred and eighteen dollars and eighty cents (\$518.80) from Thi Nguyen for premium payments on insurance policy # G062883639. The monies from this check were never applied to pay premiums on the insurance policy.
 - ii. On or about April 28, 2011, the Respondent received a cash payment in the amount of nine hundred and eleven dollars (\$911.00) from Ngu Phan for premium payments on insurance policy # 188045454. Only three hundred dollars (\$300.00) of the nine hundred and eleven dollars was applied to pay premiums on the insurance policy.
 - iii. On or about December 10, 2010, the Respondent received one hundred and nineteen dollars and eighty-five cents (\$119.85) in premium payments via checks received and seven hundred and fifty-one dollars and ninety-eight cents (\$751.98) in premium payments via cash received. The Respondent detailed this in an Agent's Credit Advice (ACA) entry numbered 1207 in the online computer system of Farmers Insurance Group.
 - iv. On or about December 20, 2010, the Respondent received eight hundred dollars and sixty-nine cents (\$800.69) in premium payments via cash received. The Respondent detailed this in an ACA entry numbered 1213 in the online computer system of Farmers Insurance Group.

- v. On or about May 17, 2011, the Respondent received seven hundred and four dollars and sixty-seven cents (\$704.67) in premium payments via checks received and two hundred and thirty-six dollars and eight cents (\$236.08) in premium payments via cash received. The Respondent detailed this in an ACA entry numbered 0511 in the online computer system of Farmers Insurance Group.
- vi. On or around May 19, 2011, The Respondent received six hundred and fifty-four dollars and fifty-two cents (\$654.52) in premium payments via cash received. The Respondent detailed this in an Agent's Credit Advice (ACA) entry numbered 0513 in the online computer system of Farmers Insurance Group.
- c. From the ACA entries made and detailed above in paragraph 2(b), all monies received via check were deposited. Of the two thousand, four hundred, and forty-three dollars and twenty-seven cents (\$2,443.27) received by the Respondent via cash payments, only one hundred and ninety-four dollars and forty cents (\$194.40) was deposited for premium payments. Two thousand, two hundred and forty-eight dollars and eighty-seven cents (\$2,248.87) was outstanding and remained unaccounted for.
- d. On or about May 19, 2011, Farmers Insurance Group terminated the contract of Minh Nguyen for embezzlement regarding the activities detailed above. As of that date, the Respondent had not paid the Farmers Mutual Insurance premiums totaling three thousand, three hundred and seventy-eight dollars and seventy-two cents.
- e. On or about August 2011, Farmers Insurance Group referred this matter to the State of Nebraska Department of Insurance.
- f. Subsequent to the referral referred to in paragraph 4(e), Farmers Insurance Group received 2 more complaints regarding more monies that had been paid in the form of cash to the Respondent for payments on policies.
- g. Between approximately October 23, 2009, and March 29, 2011, Minh Nguyen received the following payments from Nyaschot Deng as premium payments for policy number 187622931 with Farmers Insurance Group, such payments never being applied to make premium payments on the referenced insurance policy:
 - i. On or about October 23, 2009, the Respondent received one hundred and sixty-three dollars in cash as a premium payment with a receipt number of ACP124292.

- ii. On or about March 11, 2010, the Respondent received two hundred and fifty dollars (\$250.00) in cash as a premium payment with a receipt number of ACP833790.
 - iii. On or about December 14, 2010, the Respondent received one hundred and seventy-five dollars (\$175.00) in cash as a premium payment with a receipt number of ACQ111087.
 - iv. On or about January 21, 2011, the Respondent received one hundred and seventy-five dollars (\$175.00) in cash as a premium payment with a receipt number of ACQ111121.
 - v. On or about March 29, 2011, the Respondent received twenty dollars (\$20.00) in cash as a premium payment with a receipt number of ACQ111190.
 - vi. Sometime shortly after March 29, 2011, the Respondent received two hundred and ninety dollars (\$290.00) in cash as a premium payment with a receipt number of ACQ111087.
- h. Between approximately June 4, 2010, and December 1, 2010, the Respondent received the following payments from Nyanchar Bukjiok as premium payments for three different policies, BW G00-3662864-00, BW G00-3900543-00, and 190380630, all with Farmers Insurance Group, such payments never being applied to make premium payments on the referenced insurance policy:
- i. On or about June 4, 2010, the Respondent received two hundred and thirty-nine dollars (\$239.00) in cash as a premium payment with a receipt number of ACP833852.
 - ii. On or about September 4, 2010, the Respondent received one hundred and thirty dollars (\$130.00) in cash as a premium payment with a receipt number of ACP833944.
 - iii. On or about November 5, 2010, the Respondent received one hundred and twenty-five dollars (\$125.00) in cash as a premium payment with an unclear receipt number at least starting with the letters and numbers of ACQ111.
 - iv. On or about December 1, 2010, the Respondent received eighty-five dollars and six cents (\$85.06) in cash as a premium payment with a receipt number of ACQ111063.
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 the right to a public hearing, Respondent also waives the right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondent admits the allegations stated in Paragraph 2.

5. NEB. REV. STAT. § 44-4059(5) (Reissue 2010) provides that “The director shall retain the authority to enforce the provisions of and impose any penalty or remedy authorized by the Insurance Producers Licensing Act against any person who is under investigation for or charged with a violation of the act even if the person's license or registration has been surrendered or has lapsed by operation of law. No disciplinary proceeding shall be instituted against any licensed person after the expiration of three years from the termination of such license.”

CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes a violation of NEB REV. STATS. §§ 44-4059(1)(d) and (h) and 44-4065(1) (Reissue 2010) and is subject to disciplinary action pursuant to NEB. REV. STAT. § 44-4059 (Reissue 2010).

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed by Respondent, Minh Nguyen, that the resident producer license of Respondent is hereby immediately revoked. In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his/her signature below.

Charles A. Hamilton

Charles A. Hamilton, #22100
Attorney for Petitioner
941 "O" Street, Suite 400
Lincoln, NE 68508
(402) 471-8864

1/22/13
Date

Minh D. Nguyen

Minh D. Nguyen,
Respondent

By: _____

1.17.13
Date

State of Nebraska)

) ss.

County of Lancaster)

On this 17th day of January, 2013, Minh D. Nguyen, personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his/her voluntary act and deed.

Jenae M. Frank
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. Minh D. Nguyen, Cause No. A-1970.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

Bruce R. Ramge
BRUCE R. RAMGE
Director of Insurance

1-23-2013
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent's registered business and home mailing address, 3030 Porter Cir., Lincoln, NE 68516, by certified mail, U.S. mail, return receipt requested, and by regular U.S. mail both, on this 23 day of January, 2012³.

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