

JUN 06 2013

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	
)	CONSENT ORDER
PETITIONER,)	
)	
VS.)	CAUSE NO. A-1984
)	
LORI L. FITZ)	
(NAIC National Producer Number)	
3193396),)	
)	
RESPONDENT.)	

In order to resolve this matter, the Nebraska Department of Insurance (“Department”), by and through its attorney, Matthew W. Holman, and Lori L. Fitz (“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 to 44-4067 (Reissue 2010).

2. Respondent was licensed as an insurance producer under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Lori L. Fitz (NAIC National Producer Number 3193396), Cause Number A-1984 on May 22, 2013. A copy of the petition was served upon the Respondent at Respondent’s registered business and home addresses by certified mail, return receipt requested and by regular U.S. mail.

2. Respondent is alleged to have violated Neb. Rev. Stat. §§ 44-4059(1)(b) and 44-4059(1)(h) (Reissue 2010) as follows:

- a. On or about February 8, 2012, consumer Chris Estudillo, met with Paul Parkert, an insurance producer for Inspro, Inc., regarding the purchase of dwelling and flood insurance policies to be placed for an upcoming real estate transaction.
- b. On or about February 8, 2012, Mr. Parkert took applications from Mr. Estudillo for the dwelling policy and flood policy and advised Respondent, a Customer Service Representative and licensed insurance producer for Inspro, Inc., to bind coverage for these policies effective February 14, 2012.
- c. On or about February 8, 2012, Respondent created two receipts indicating that Inspro, Inc. had received cash payment from Mr. Estudillo in the amounts of \$462 representing premium payment for the dwelling policy and \$772 representing payment for the flood insurance policy. In actuality, neither Respondent nor Inspro, Inc. had received any payment from Mr. Estudillo as of February 8, 2012.
- d. On or about February 8, 2012, Respondent faxed the two receipts to Amber Barton at Pinnacle Bank, the lender involved in Mr. Estudillo's real estate transaction, in order to facilitate the real estate closing.
- e. On or about February 17, 2012, Mr. Estudillo's real estate closing took place, without the required dwelling or flood insurance policy in place.
- f. On or about February 23, 2012, Respondent uploaded the dwelling and flood insurance policies to the insurers, Farmer's Mutual Insurance Company and Selective Insurance Company. At this time Respondent also submitted checks to Farmer's Mutual Insurance Company and Selective Insurance Company in the amounts of \$462 and \$772 representing the premium payments for these policies.
- g. On or about February 28, 2012, Farmers Mutual Insurance Company issued the dwelling policy for Mr. Estudillo, with an effective date of February 14, 2012.
- h. On or about March 1, 2012, Selective Insurance Company of America issued a flood insurance policy for Mr. Estudillo with an effective date of February 23, 2012.
- i. On or about May 1, 2012, Selective Insurance Company of America reissued the flood insurance policy to Mr. Estudillo with an effective date of February 19, 2012.

j. On or about March 28, 2012, Inspro, Inc. received payment from Mr. Estudillo in the amount of \$1,234, representing \$462 dollars for the dwelling policy premium and \$772 for the flood insurance premium.

3. 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 neither admits nor denies the allegations stated in Paragraph 2.

CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes violations of Neb. Rev. Stat. §§ 44-4059(1)(b) and 44-4059(1)(h) (Reissue 2010).

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 v. Lori L. Fitz (NAIC National Producer Number 3193396), Cause No. A-1984.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

Bruce R. Range
Bruce Range
Director of Insurance

6-6-2013
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Consent Order was served upon Respondent by mailing a copy to Respondent's business address, 100 E. 6th Street, P.O. Box 689, Fremont, NE 68026, by certified mail, return receipt requested, on this 6th day of June, 2013.

Tracy A. Zahn