

SEP 30 2015

FILED

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	
)	CONSENT ORDER
PETITIONER,)	
)	
VS.)	CAUSE NO. A-2023
)	
GRACE WILSON SMITH,)	
(NAIC National Producer #5751545))	
)	
RESPONDENT.)	

In order to resolve this matter, the Nebraska Department of Insurance (“Department”), by and through its attorney, Robert M. Bell, and Grace Wilson 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 the Insurance Producers Licensing Act, Neb. Rev. Stat. §§ 44-4047 to 4067.

2. Respondent was a licensed nonresident insurance producer under the laws of Nebraska at all times material hereto. Respondent’s insurance producer license expired on May 31, 2015.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a Petition and Notice of Hearing captioned *State of Nebraska Department of Insurance vs. Grace Wilson Smith (NAIC National Producer #5751545)*, Cause No. A-2023, on August 28, 2015.

2. The Department mailed a copy of the Petition and Notice of Hearing to the business address Respondent registered with the Department, TIAA CREF, 8500 Andrew

Carnegie Blvd, Charlotte, NC 28262-8500, and to the home address Respondent registered with the Department, 11926 Dupplin Castle Ct., Charlotte, NC 28277-2137, by certified mail, return receipt requested. Respondent received a copy of the Petition and Notice of Hearing.

3. The Petition alleges that Respondent violated Neb. Rev. Stat. §§ 44-1525(11), 44-4059(1)(b), and 44-4059(1)(h) as follows:

- a. On or about March 11, 2015, Jane Francis Administrator of the Department's Consumer Affairs Division, sent a letter of inquiry via certified mail, return receipt requested, to Respondent at Respondent's home address registered with the Department, regarding the Respondent's terminated appointment with the insurer TIAA CREFF and explaining that a response is required within fifteen working days. On or about April 4, 2015, the Domestic Return Receipt was returned to the Department by the United States Post Office confirming delivery. No response was received within fifteen working days of the letter.
- b. On or about June 8, 2015, a follow-up letter with a copy of the previously sent letter was sent via certified mail, return receipt requested, by Ms. Francis to Respondent at Respondent's registered home address demanding an immediate response and explaining that Respondent's failure to respond within fifteen working days is a violation of Nebraska law. On or about June 13, 2015, the Domestic Return Receipt was returned to the Department by the United States Post Office confirming delivery. No response was received within fifteen working days of the letter.
- c. To date, Respondent has not responded to the Department's inquiries. As required by law.

4. The Petition alleges that Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(b), 44-4059(1)(f), 44-4059(1)(h) and 44-4065(3) as a result of the following conduct:

- a. On or about December 30, 2014, Respondent was arraigned in the United States District Court, Western District of North Carolina for one count of Embezzlement of Public Money, Property, or Records exceeding the sum of \$1,000 in violation of 18 U.S.C. § 641, a felony.
- b. On or about August 6, 2015, Respondent was sentenced for the crime of Embezzlement of Public Money, Property, or Records exceeding the sum of \$1,000 in violation of 18 U.S.C. § 641, a felony. Respondent was sentenced to five years of probation and restitution.
- c. Respondent has failed to report this criminal action within the 30 days of arraignment as required by law.

5. 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.

6. Respondent admits to the allegations alleged in paragraphs 3 and 4. Respondent consents to the revocation of her Nebraska nonresident insurance producer license, #5751545.

CONCLUSIONS OF LAW

Respondent violated Neb. Rev. Stat. §§ 44-1525(11), 44-4059(1)(b), 44-4059(1)(f), 44-4059(1)(h), and 44-4063(3) 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 by the Respondent, Grace Wilson Smith, that Respondent's Nebraska nonresident insurance producer license #5751545 shall be revoked. Additionally, Respondent is required to return her 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, the parties have executed this document by subscribing their signatures below.

Robert M Bell

Robert M. Bell, #22390
Attorney for Petitioner
941 O Street, Suite 400
Lincoln, NE 68508
402-471-2201

9/28/15

Date

Grace Wilson Smith
Grace Wilson Smith
Respondent

9/24/15

Date

STATE OF NORTH CAROLINA)
) ss.
COUNTY OF Mecklenburg)

On this 24 day of September, 2015, Grace Wilson Smith personally appeared before me and read this Consent Order, executed the same, and acknowledged the same to be his voluntary act and deed.



Margaret M Aull
Notary Public Commission Exp: May 16, 2020

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 the State of Nebraska Department of Insurance v. Grace Wilson Smith (NAIC National Producer #5751545), Cause No. A-2023.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

Bruce R Ramge
BRUCE R. RAMGE
Director of Insurance

9-30-2015
Date

CERTIFICATE OF SERVICE

I hereby certify that fully executed copies of this Consent Order were served upon Respondent as follows:

Via Regular and Certified Mail
Grace Wilson Smith
11926 Dupplin Castle Ct.,
Charlotte, NC 28277-2137

On this 30 day of September, 2015.

Brandis J. Cooney

RECEIVED
SEP 28 2015
NEBRASKA DEPARTMENT
OF INSURANCE



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