

MAR 21 2016

FILED

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	
)	CONSENT ORDER
PETITIONER,)	
)	
VS.)	CAUSE NO. A-2033
)	
BRAD CARLSON)	
(NAIC National Producer #17337168),)	
)	
RESPONDENT.)	
)	
)	

In order to resolve this matter, the Nebraska Department of Insurance (“Department”), by and through its attorney, Krystle Ledvina Garcia, and Brad Carlson (“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. Brad Carlson (NAIC National Producer # 17337168), Cause Number A-2033 on February 26, 2016. A copy of the petition was served upon the Respondent at Respondent’s registered business by certified mail, return receipt requested, and Respondent’s home addresses by regular U.S. mail.

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

- a. On or about November 27, 2002, in the County Court of Butler County, Nebraska, under Case CR 02-339, Respondent pled guilty to Violate Hunting Fishing Regulations-Misdemeanor. He was convicted and his sentence included a \$50 fine.
- b. On or about December 4, 2003, in the County Court of Lancaster County, Nebraska, under Case CR 03-18864, Respondent pled no contest to Disturbing the Peace-Misdemeanor. He was convicted and his sentence included a \$150 fine.
- c. On or about October 6, 2004, in the County Court of Lancaster County, Nebraska, under Case CR 04-16905, Respondent pled guilty to Maintain Disorderly House-Misdemeanor. He was convicted and his sentence included a \$150 fine.
- d. On or about December 4, 2005, in the County Court of Lancaster County, Nebraska, under Case CR 05-1579, Respondent pled guilty to Theft of Services-Misdemeanor. He was convicted and his sentence included a \$100 fine.
- e. On or about August 12, 2005, in the County Court of Sherman County, Nebraska, under Case CR 05-160, Respondent pled guilty to Drink on Public Property or Road-Class IV Misdemeanor. He was convicted and his sentence included a \$50 fine.
- f. On or about August 20, 2008, in the County Court of Keith County, Nebraska, under Case CR 08-749, Respondent pled guilty to Possess Open Alcohol Container-Class III Misdemeanor. He was convicted and his sentence included a \$100 fine.
- g. On or about August 5, 2014, Respondent applied for a Nebraska resident producer license. Respondent answered “no” to Background Question 1 on the application which specifically states: “Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime. ‘Crime’ includes a misdemeanor, felony, or military offense.”
- h. On or about October 22, 2015, Respondent submitted a renewal application for his Nebraska resident producer license. Respondent answered “no” to Background Question 1A on the application which specifically states: “Have you been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime, which has not been previously reported to this insurance department.”
- i. On or about December 14, 2015, Respondent submitted an application to add an additional line to his current resident license. Respondent answered “yes” to Background Question 1A on the application which specifically states: “Have you been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime, which has not been previously reported to this insurance department.”
- j. On or about December 15, 2015, Bethany Krutz (“Krutz”), Staff Assistant in the Licensing Division, reviewed Respondent’s application. Due to Respondent’s affirmative answer to Question 1A, she reviewed the Nebraska Trial Court Case Search System, known as Justice, and obtained court records for the Respondent. She found the above referenced six misdemeanor convictions. Krutz contacted

Respondent via email to obtain additional documentation to process the application. Respondent subsequently responded that he “answered the question wrong.”

- k. On or about December 16, 2015, Krutz contacted Respondent via email again and attempted to clarify the background question. Respondent replied “I apologies, and need to answer the question no, I do not have any misdemeanors.” Shortly after, Krutz sent a final email to Respondent stating, “Just to clarify, You have never been charged or convicted with any misdemeanors excluding DUI’s and traffic violations?” Respondent again replied, “No.”

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 his right to a public hearing, Respondent also waives his 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)(a), 44-4059(1)(b), and 44-4059(1)(h) (Reissue 2010).

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed by Respondent, Brad Carlson, that:

1. Respondent shall pay an administrative fine in the amount of three hundred dollars (\$300.00) due within 60 days after the Director of Insurance or his designee approves and signs this consent order. If Respondent fails to pay the amount required under this consent order within the time specified, additional administrative action shall be taken by the Petitioner, which shall include revocation of Respondent’s insurance producer license.

In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his signature below.

[Handwritten signature of Krystle Ledvina Garcia]

Krystle Ledvina Garcia, #23947
Attorney for Petitioner
941 "O" Street, Suite 400
Lincoln, NE 68508
(402) 471-2201

[Handwritten signature of Brad Carlson]

Brad Carlson
Respondent

2-21-16
Date

3-18-16
Date

State of Nebraska)

) ss.

County of Saunders)

On this 18 day of March, 2016, Brad Carlson personally appeared before me and read this Consent Order, executed the same, and acknowledged the same to be his voluntary act and deed.

[Handwritten signature of Mela J. Curtis]
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 v. Brad Carlson (NAIC National Producer Number 17337168), Cause No. A-2033.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

Bruce R. Range

Bruce Range
Director of Insurance

3-22-2016

Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition and Notice of Hearing was served upon Respondent by mailing a copy to his registered business address at 1511 Silver St., Ashland, NE 68003 via certified mail, return receipt requested, and to his registered residence address, 250 N. 31st St., Ashland, NE 68003-1053, by regular U.S. mail, on this 22 day of March, 2016.

Brandis Cousser