

APR 29 2020

FILED

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

STATE OF NEBRASKA	)	
DEPARTMENT OF INSURANCE,	)	
	)	CONSENT ORDER
PETITIONER,	)	
	)	
VS.	)	CAUSE NO. A-2210
	)	
NICOLE L. NELSON	)	
(NAIC National Producer #8749895),	)	
	)	
RESPONDENT.	)	

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Tracy A. Burns, and Nicole L. Nelson, ("Respondent"), by and through her attorney, Benjamin Murray, 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 4069.

2. Respondent has been licensed as a resident 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 and Notice of Hearing captioned State of Nebraska Department of Insurance vs. Nicole L. Nelson, NAIC National Producer #8749895, Cause No. A-2210, on March 27, 2020.

2. The Department mailed a copy of the Petition and Notice of Hearing to the Respondents home address registered with the Department at 2318 Grant, Beatrice, NE 68130, by certified mail, return receipt requested. The Domestic Return Receipt Card was returned by the United States Postal Service, (USPS) on April 9, 2020 confirming receipt. Respondent provided a copy of the Petition and Notice of Hearing to her attorney, Benjamin H. Murray.

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

- a. On or about August 7, 2019, Respondent was terminated from her employment at Penner Insurance for not paying back payroll advances totaling \$15,050.53.
- b. On or about September 13, 2019, Respondent presented herself to the Beatrice (NE) Police for arrest related to Theft – Class IIA Felony.
- c. On or about October 4, 2019, a complaint was filed in the County Court of Gage County under Case No. CR 19-830 for one count of Theft by Taking (value of more than \$5,000) - Class IIA Felony. On or about January 6, 2020, an Amended Complaint was filed in the County Court of Gage County under Case No. CR 19-830 for Theft by Taking (value of more than \$500.00 but less than \$1,500.00) - Class I Misdemeanor. On or about January 9, 2020, Respondent pled no contest and was convicted of one count of Theft by Unlawful Taking – Class I Misdemeanor. Respondent was ordered to pay a fine of \$400.00.
- d. Respondent failed to report this criminal action to the Department within 30 days of the arraignment or waiver of arraignment as required.

4. 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.

5. Respondent admits to the allegations alleged in paragraph 3 and further admits these allegations violate Neb. Rev. Stat. §§ 44-4059(1) (b), 44-4059(1) (f), 44-4059(1) (h) and 44-4065(3).

6. Respondent has been represented at all relevant times by her attorney, Benjamin H. Murray, and enters into this Consent Order after consultation with said counsel.

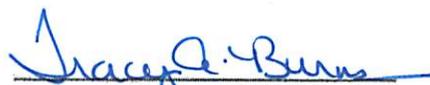
CONCLUSIONS OF LAW

Respondent's conduct constitutes violations of Neb. Rev. Stat. §§ 44-4059(1)(b), 44-4059(1)(f), 44-4059(1)(h) and 44-4065(3), and Respondent 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, Nicole L. Nelson, by and through her attorney, Benjamin H. Murray, that Respondent's Nebraska insurance producer license shall be revoked.

In witness of their intention to be bound by this Consent Order, the parties have executed this document by subscribing their signatures below.

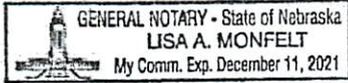
  
Tracy A. Burns #25398  
Attorney for Petitioner  
1135 M Street, Suite 300  
PO Box 82089  
Lincoln, NE 68501  
(402) 471-4742  
April 29, 2020  
Date

  
Nicole L. Nelson  
Respondent  
4-16-20  
Date

STATE OF NEBRASKA )

COUNTY OF Gage ) ss. )

On this 16 day of April, 2020, Nicole L. Nelson personally appeared before me and read this Consent Order, executed the same, and acknowledged the same to be her voluntary act and deed.



Lisa A Monfelt  
Notary Public

Approved as to form and content:

[Signature]

Benjamin H. Murray, #24951  
Murray Law, P.C., L.L.O  
147 N 4<sup>th</sup> Street  
P.O. Box 87  
Hebron, NE 68370

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. Nicole L. Nelson, NAIC National Producer Number #8749895, Cause No. A-2210.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

Bruce R. Ramge  
BRUCE R. RAMGE  
Director of Insurance

4-29-2020  
Date

CERTIFICATE OF SERVICE

I hereby certify that fully executed copies of this Consent Order were served upon

Respondent as follows:

Via Regular, Certified Mail, and Electronic Mail

Benjamin H. Murray

Murray Law, P.C., L.L.O

147 N 4<sup>th</sup> Street

P.O. Box 87

Hebron, NE 68370

benmurray@murraylawpclo.com

On this 29<sup>th</sup> day of April, 2020.

Shelley Storie