STATE OF NEBRASKA
DEPARTMENT OF INSURANCE
SEP 10 2009
FILED

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

STATE OF NEBRASKA DEPARTMENT OF INSURANCE,	)	
PETITIONER,	)	CONSENT ORDER
VS.	)	
BILL G. CARLSON,	)	CAUSE NO. A-1842
RESPONDENT.	)	

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Martin W. Swanson and Bill G. 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 §44-4001, et seq.

2. Respondent was licensed as a resident insurance agent 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. Bill G. Carlson, Cause Number A-1842 on August 6, 2009. A copy of the petition was served upon the Respondent at the Respondent's home address and registered with the Department by certified mail, return receipt requested.

2. Respondent violated Neb. Rev. Stat. §§44-4059(1)(b), 44-4059(1)(h), Title 210 NAC Ch. 36, §020.01F and §020.02C (2008), as a result of the following conduct:

a. On February 20, 2009, a complaint was received by the Nebraska Department of Insurance. In the complaint, Complainant was concerned about her enrollment into a plan sold by Respondent.

b. On February 27, 2009, Cynthia Williamson (Williamson), an insurance investigator with the Nebraska Department of Insurance, initiated an investigation by writing a letter to Pyramid Life Insurance Company to inquire about the company's actions and the actions of its agent.

c. On March 23, 2009, Pyramid responded and attached a letter from Respondent. In the letter, Respondent said he contacted Complainant based upon a card that she sent in to his company. A copy of the card was also attached. On the card, it stated "Free Information About My Medicare Advantage Options". It did not denote any reference to Medicare Supplement products or any other insurance. Respondent admitted that he discussed Medicare Supplement products and rates. Under federal rules and regulations per the Centers for Medicaid and Medicare Services (CMS), plans may not conduct or allow unsolicited contacts under the guise of selling a non-Medicare Advantage or non-Prescription Drug Plan. Additionally, the CMS Scope of Sales Appointment Confirmation Form was signed by Complainant; however, the choice Complainant agreed to be presented with was not initialed by her, as required.

d. Williamson responded with a letter to Respondent dated March 24, 2009. In the letter, Respondent was asked to answer several questions with regard to the lead card, the solicitation process, copies of the material left with Complainant, about his compliance with the federal law.

e. On April 7, 2009, Respondent submitted a response. Respondent stated that he relied upon the training his company, then named Senior Solutions, provided him. Respondent admitted that he was unaware that he needed to provide information on the Nebraska SHIIP program in advance of any solicitation of Medicare Supplement Insurance.

f. On April 7, 2009, another letter was sent by Williamson to Respondent. Respondent sent back a letter to the Department on May 29, 2009, and admitted that the training provided to him by Senior Solutions was inadequate and that he did not "...have access to: Nebraska SHIP (sic) program or Title 210 information."

3. Respondent was informed of the 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 contained stated in Paragraph #2 above.

CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes a violation of Neb. Rev. Stat. §§44-4059(1)(b), 44-4059(1)(h), Title 210 NAC Ch. 36, §020.01F and §020.02C (2008).

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent, Bill G. Carlson, that he shall pay an administrative fine of $250. The fine shall be paid in total within sixty days after the Director of the Department of Insurance affixes her signature to this document and approves said consent agreement. Respondent also agrees to assist the Department of Insurance in any manner possible, if so requested, in any further investigation of various entities. If Respondent fails to pay this fine in the time specified or fails to perform in any manner any of the terms contained within this consent order, his Nebraska's insurance producer's license shall automatically be revoked. In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing their signature below.

Martin W. Swanson, #20795
Attorney for Nebraska
Department of Insurance
941 "O" Street, Suite 400
Lincoln, Nebraska 68508
(402)471-2201

9/9/09
Date

Respondent

Sept 9, 2009
Date

State of Nebraska)
) ss.
County of Lancaster)

On this 9th day of September, 2009, Bill G. Carlson personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be her voluntary act and deed.

GENERAL NOTARY - State of Nebraska
JUDY LYNN MEISNER
My Comm. Exp. August 17, 2010

Notary Public

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. Bill G. Carlson, Cause No. A-1842.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

Ann M Frohman

Ann M. Frohman
Director of Insurance

9/10/09
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent, at 8300 Carlson Court, Firth, NE 68358, by certified mail, return receipt requested on this 10th day of ~~August~~ September, 2009.

Tracy A. Shahn