

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

NEBRASKA DEPARTMENT
OF INSURANCE

MAR 08 2002

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	
)	
PETITIONER,)	CONSENT ORDER
)	
VS.)	
)	
DAVID CATLIN WOLFARD,)	CAUSE NO. A-1455
)	
)	
RESPONDENT.)	

FILED

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Linda R. Sanchez-Masi and David Catlin Wolfard, ("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 an 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. David Catlin Wolfard, Cause Number A-1455, on January 11, 2002. The Department filed an amended petition on January 18, 2002. A copy of the Petition and Amended Petition were served upon the Respondent in care of his attorney by certified mail, return receipt requested.
2. Respondent violated Neb.Rev.Stat. § 44-4028 (2), (6), (8), (11), and §44-1525(10), as a result of the following conduct.
 - a. On or about August 5, 1996, Respondent entered into a contract with



Pennsylvania Life Company ("Company") to represent the Company as its insurance agent and to market the Company's insurance products;

b. It was alleged that on or about February 11, 1997 through November 10, 1998, Respondent knowingly and willfully submitted fraudulent insurance applications to the Company which contained false and misleading information, and which pertained to sales for the purpose of obtaining bonuses and advanced commissions to which Respondent was not entitled;

c. It was alleged that from on or about February 11, 1997 through November 10, 1998, Respondent fraudulently obtained, from the Company, bonuses and advanced commissions; and

d. On or about April 11, 2001, Respondent was convicted of theft, a Second Degree Felony, in the Second District Court Davis County, State of Utah.

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 admits the allegations contained in the Petition as restated in Paragraph #2 above.

CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes a violation of Neb.Rev.Stat. §44-4028 (2), (6), (8), (11), and §44-1525(10).

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent, David Catlin Wolfard, that Respondent's Nebraska insurance agent's license be suspended until such time that Respondent successfully complete all terms and conditions imposed upon him, including probation, as recited in the Minutes, Sentence, Judgment, Commitment filed in the Second Judicial District Court for Davis County, State of Utah, on April 11, 2001, or as such may be modified. Upon complying with the

terms of this Consent Order, the Director of Insurance hereby grants consent to Respondent to allow him to engage in the business of insurance, as contemplated by 18 U.S.C. §1033(e), upon Respondent's successful completion of the terms of the Consent Order as recited above. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling the Respondent or the Department to make application for such further orders as may be necessary.

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

Linda R. Sanchez-Masi

Linda R. Sanchez-Masi
Attorney for Nebraska
Department of Insurance
941 "O" Street, Suite 400
Lincoln, Nebraska 68508
(402) 471-2201

03-07-02
Date

David Catlin Wolfard

Respondent

3-5-02
Date

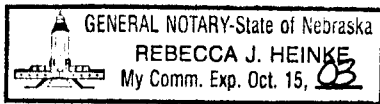
Lawrence J. Van

Attorney for Respondent

3-5-02
Date

State of NEBRASKA)
County of LANCASTER) ss.

On this 5 day of MARCH, 2002, David Catlin Wolfard personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.



Rebecca J Heinke
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. David Catlin Wolfard, Cause No. A-1455.



STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



L. TIM WAGNER
Director of Insurance

3/8/02

Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent in care of his attorney, Lawrence F. Harr, at Lamson, Dugan & Murray, LLP, 10306 Regency Parkway Drive, Omaha, NE 68114-3743, by certified mail, return receipt requested on this 8th day of March, 2002.

