

NOV 19 2024

FILED

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	CONSENT ORDER
)	
PETITIONER,)	
)	
VS.)	
)	
JOHN R. WHELDEN)	CAUSE NO. A-2410
(NAIC Producer #18022777),)	
)	
RESPONDENT.)	

In order to resolve this matter, the Nebraska Department of Insurance (“Petitioner”), by and through its attorney, Cheryl Wolff, and John R. Whelden (NAIC Producer #18022777) (“Respondent”), mutually stipulate and agree as follows:

JURISDICTION

1. Petitioner has jurisdiction over the subject matter and Respondent pursuant to Neb. Rev. Stat. §§ 44.101.01, and 44-4047 to 44-4067.
2. Respondent has been licensed as a non-resident insurance producer under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACT

1. Petitioner initiated this administrative proceeding after received notice from the National Association of Insurance Commissioners (NAIC) that Respondent’s resident license in Florida was revoked. At that time, the Petitioner conducted a search of the Information Retrieval System (RIRS), which contains the records of regulatory actions taken by participating states and discovered additional administrative actions taken against the Respondent in the states of Missouri, South Dakota, Louisiana, and Pennsylvania.

2. Respondent is alleged to have violated Neb. Rev. Stat. §§ 44-4059 (1)(a) Providing incorrect, misleading, incomplete, or materially untrue information in the license application; (b) violating any insurance law or violating any rule, regulation, subpoena, or order of the director or of another state's insurance commissioner or director; (c) Obtaining or attempting to obtain a license through misrepresentation or fraud; (f) Having been convicted of a felony or a Class I, II, or III misdemeanor; (h) using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere; (i) Having an insurance producer license, or its equivalent, denied, suspended, placed on probation, or revoked in Nebraska or in any other state, province, district, or territory; (o) Failing to maintain in good standing a resident license in the insurance producer's home state.; and 44-4065(1) An insurance producer shall report to the director any administrative action taken against the producer in another jurisdiction, by a professional self-regulatory organization such as the Financial Industry Regulatory Authority or a similar organization, or by another governmental agency within thirty days of the final disposition of the matter. This report shall include a copy of the order, consent to order, or other relevant legal documents, as follows:

a. Failing to report and provide a copy of the June 11, 2024, Notice of Revocation from Florida, revoking his resident license for his second-degree felony conviction, after entering a plea of nolo contendere, for Vehicular Homicide on September 14, 2021.

b. Failing to report and provide a copy of the May 15, 2024, Voluntary License Surrender Order in Missouri, where Respondent surrendered his nonresident license.

c. Failing to report and provide a copy of the April 16, 2024, letter denying Respondent's application to renew his nonresident insurance producer license in South Dakota. This denial letter

stated he was denied for failing to disclose his felony conviction on his initial license application and for failing to timely report actions in Pennsylvania.

d. Failing to report and provide a copy of the January 22, 2024, letter denying Respondent's application in Louisiana for his nonresident insurance producer license. The letter stated his license was denied for failing to disclose his felony conviction on licensing applications, failure to report his felony conviction within 30 days, and failing to obtain consent pursuant to 18 U.S.C. 1033 from Louisiana.

e. ~~Failing to report and provide a copy of the November 16, 2023, Consent Order with the Pennsylvania Department of Insurance ("DOI"). The Pennsylvania DOI fined Respondent \$500, and he agreed to cease and desist from activities described in the Findings of Fact and Conclusions of Law.~~

f. ~~Respondent did not notify the Department of the administrative actions noted above within 30 days of the final disposition of each matter and failed to provide a copy of the order or other relevant legal documents for the above referenced actions.~~

h. Respondent was convicted in Florida of felony Motor Vehicular Homicide after entering a plea of nolo contendere, a second-degree felony. The Respondent was adjudicated guilty and sentenced by the 17th Judicial Circuit in and for Broward County, Florida on September 14, 2021.

i. Respondent also failed to disclose his second-degree felony conviction for Vehicular Homicide in Florida on his June 7, 2022, application for license renewal in Nebraska. On all licensing applications, background question 1B asks whether the applicant has "ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?" On his license renewal application, Respondent responded "no" to that question.

3. Respondent admits the allegations in Paragraph 2.

4. 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.

CONCLUSIONS OF LAW

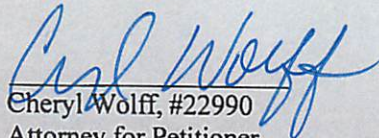
Respondent's conduct as alleged above constitutes violations of Neb. Rev. Stat. §§ 44-4059(1)(a), (b), (c), (f), (i), and (o) and 44-4065(1), and Respondent is subject to disciplinary action pursuant to Neb. Rev. Stat. §44-4059.

CONSENT ORDER

It is therefore Ordered by the Director of Insurance and agreed by Respondent that:

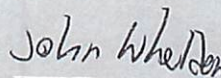
1. Respondent agrees to the revocation of his Nebraska resident insurance producer's license, with said revocation to be effective on the date this Consent Order is adopted and approved by the Director of Insurance.

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



Cheryl Wolff, #22990
Attorney for Petitioner
1526 "K" Street, Suite 200
Lincoln, NE 68501-2089
(402) 471-4607

11-19-2024
Date



John R. Whelden
Respondent

11-15-2024
Date

State of Nebraska)
)
County of _____) ss.

On this 31 day of October, 2024, John R. Whelden, personally appeared before me and read this Consent Order, executed the same, and acknowledged the same to be his voluntary act and deed.

Notary Public 

Catherine R. White

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 vs. John R. Whelden (NAIC Producer #18022777), Cause No. A-2410.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

Eric Dunning

Eric Dunning
Director of Insurance

11/19/24

Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Consent Order was served upon Respondent by mailing a copy to his registered business, residential and mailing address on file with the Department to 240 NE 60TH ST, OAKLAND PARK, Florida 33334-1855 by certified mail, return receipt requested, and by regular U.S. mail. An electronic copy was sent to his registered business email address of John@jwheldenhealthinsurance.com and his personal and mailing email is johnwhelden954@gmail.com.

on this 19th day of November, 2024.

Sherry Stone