

DEC 05 2012

FILED

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

STATE OF NEBRASKA )  
DEPARTMENT OF INSURANCE, )  
 )  
PETITIONER, )  
 )  
VS. )  
 )  
SHANETTE WHEELER, )  
NAIC NATIONAL PRODUCER )  
#15889212 )  
 )

CONSENT ORDER

CAUSE NO. A-1954

RESPONDENT.

In order to resolve this matter, the Nebraska Department of Insurance (“Department”), by and through its attorney, Charles A. Hamilton, and Shanette Wheeler (“Respondent”), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to NEB. REV. STATS. §§ 44-101.01 and 44-4047 et seq. (Reissue 2010). Said jurisdiction and control have been present at all times material hereto.

2. Shanette Wheeler (“Respondent”) is a licensed insurance producer, whose current registered business and home address with the Nebraska Department of Insurance is 218 E Fremont Street, O’Neill, NE 68763.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Shanette Wheeler, Cause Number A-1954, on October 23, 2012. A copy of the petition was served upon Respondent at the Respondent’s

registered mailing address at 218 E Fremont Street, O'Neill, NE 68763, for service of process by certified mail, return receipt requested.

2. Respondent allegedly violated NEB. REV. STAT. § 44-1525(11) as a result of the following conduct:

a. On or about March 16, 2012, the Nebraska Department of Insurance received a complaint regarding Respondent from Sandra Schrunk ("Complainant"). The complaint asserted that Respondent had misrepresented a policy, been unresponsive when it came to a claim, and had sent a letter to AFLAC using Complainant's letterhead.

b. On or about March 19, 2012, Scott Zager, an Insurance Investigator with the Nebraska Department of Insurance sent a letter to Respondent asking her a series of questions with regard to the complaint.

c. On or about March 30, 2012, the Nebraska Department of Insurance received an undated and unsigned response from Respondent.

d. On or about April 5, 2012, Investigator Zager sent a letter requesting an adequate response, including a dated and signed document to Respondent. No response was received within 15 working days.

e. On or about May 1, 2012, Investigator Zager sent a second letter to Respondent requesting an adequate response, this time via Certified Mail return receipt requested. The Department received the signed receipt on May 3, 2012, signed by Respondent.

f. On or about May 2, 2012, Peg Jasa received an email responding to Investigator Zager's request for clarification from Respondent, advising that Respondent received the request but had "nothing to offer". Investigator Zager responded to Respondent's email on May 2, 2012, requesting again she provide a written, signed statement to the Department. No response was received within 15 working days.

g. On or about June 4, 2012, Investigator Zager sent another request for a complete written response to Respondent via Certified Mail, return receipt requested. The return receipt was signed by Respondent and received by the Department on June 7, 2012.

h. On or about October 23, 2012, the Department filed a Petition and Notice of Hearing in this matter. After such Petition and Notice of Hearing was served on the Respondent, the Respondent contacted the Department to attempt to resolve the matter.

i. On or about November 1, 2012, the Department received a satisfactory response from the Respondent to the letters and questions noted in the paragraphs above.

3. 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 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 stated in Paragraph 2.

#### CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes a violation of NEB REV. STAT. § 44-1525(11) and is subject to disciplinary action pursuant to NEB. REV. STAT. § 44-4059 (Reissue 2010).

#### CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed by Respondent, Shanette Wheeler, that Respondent shall pay an administrative fine in the amount of two hundred and fifty dollars (\$250.00) due within 30 days after the Director of Insurance or his designee approves and signs this consent order.

The Department of Insurance will continue to retain jurisdiction over this matter. If Respondent fails to pay the amount required as specified under this consent order, additional administrative action shall be taken by the Petitioner, which may include revocation of Respondent's Nebraska certificate of authority. In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his/her signature below.

Charles A. Hamilton

Charles A. Hamilton, #22100  
Attorney for Petitioner  
941 "O" Street, Suite 400  
Lincoln, NE 68508  
(402) 471-8864

Shanette Wheeler

Shanette Wheeler,  
Respondent

By: Shanette Wheeler

12/4/12

Date

11-30-12

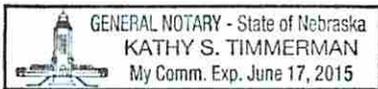
Date

State of \_\_\_\_\_ )

) ss.

County of \_\_\_\_\_ )

On this 30 day of November, 2012, Shanette Wheeler personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his/her voluntary act and deed.



Kathy S. Timmerman  
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 vs. Shanette Wheeler, Cause No. A-1954.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

Bruce R. Ramge

BRUCE R. RAMGE  
Director of Insurance

12-5 2012

Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent's registered mailing address at 218 E Fremont Street, O'Neill, NE 68763, by certified mail, return receipt requested on this 6<sup>th</sup> day of December, 2012.

A handwritten signature in blue ink, appearing to read "Mary A. Laska", written over a horizontal line.

**RECEIVED**

DEC 03 2012

**NEBRASKA DEPARTMENT  
OF INSURANCE**