

JAN 19 2017

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	
)	CONSENT ORDER
PETITIONER,)	
)	
VS.)	CAUSE NO. A-2051
)	
SAMUEL G SCHLUCKEBIER,)	
NAIC PRODUCER NO. 8423178,)	
)	
RESPONDENT.)	

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Laura L. Arp, and Samuel G. Schluckebier ("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 and § 44-4047 et seq. Said jurisdiction and control have been present at all times material hereto.

2. Respondent is a licensed resident insurance producer in the State of Nebraska whose mailing address registered with the Department is 699 Cory Dr., Seward, NE 68434 and whose registered home address with the Department is 699 Cory Dr., Seward, NE 68434.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition captioned *State of Nebraska Department of Insurance vs. Samuel G. Schluckebier*, Cause

Number A-2051, on December 12, 2016. A copy of the Petition was served upon Respondent by certified mail, return receipt requested.

2. The Department has jurisdiction over Respondent in the above-described administrative proceeding.

3. Respondent violated Neb. Rev. Stat. § 44-1525(11) as a result of the following conduct: The Department sent Respondent requests for a written statement on February 12, 2014, March 10, 2014, and April 15, 2014. The Department's requests were mailed to the business and mailing address Respondent supplied to the Department. Respondent renewed his insurance license on March 31, 2014 without mentioning the Department's pending investigation. Respondent never responded to the Department's questions and request for a written statement. Respondent was given notice in each request that failure to respond could be considered an unfair insurance trade practice in violation of Neb. Rev. Stat. § 44-1525(11).

4. Respondent's failure to respond to the Department's repeated requests for information was committed flagrantly and in conscious disregard of the *Unfair Insurance Trade Practices Act*, or was committed with such frequency as to indicate a general business practice to engage in that type of conduct.

5. In the spirit of cooperation and in order to avoid further expense and loss of time, Respondent enters into this Consent Order freely and voluntarily. Respondent was informed of his right to a public hearing. Respondent waives his right to a hearing and acknowledges that by doing so, Respondent also waives his right to confrontation of witnesses, production of evidence, and judicial review.

6. Respondent admits the allegations set forth in the Petition and Notice of Hearing as referenced in paragraphs 3 and 4 of this section and is willing to amicably resolve all pending matters to avoid the uncertainty and expense of litigation.

CONCLUSIONS OF LAW

Respondent's conduct as stipulated above constitutes a violation of Neb. Rev. Stat. § 44-1525(11) and an unfair insurance trade practice.

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed by the Respondent, Samuel G. Schluckebier, that Respondent shall pay an administrative fine in the amount of \$200.00 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.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Consent Order was served upon Respondent by mailing a copy to Respondent's mailing address registered with the Department, 699 Cory Dr., Seward, NE 68434, by certified mail, return receipt requested, on this 20 day of January, 2017.

Brandis Couser