

LAWRENCE G. WASDEN
Attorney General

A. RENÉ MARTIN – I.S.B. #3188
Deputy Attorney General
Idaho Department of Insurance
700 West State Street
P.O. Box 83720
Boise, ID 83720-0043
Telephone: (208) 334-4204
Facsimile: (208) 334-4298

FILED 

APR 19 2012

Department of Insurance
State of Idaho

Attorneys for Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of the Application for a
Non-Resident Insurance Producer License
Submitted by:

SHEILA MARIE BURNETTE,

Applicant.

Docket No. 18-2755-12

**DIRECTOR'S ORDER GRANTING
TEMPORARY NON-RESIDENT
INSURANCE PRODUCER LICENSE**

FACTS

1. On or about April 1, 2012, SHEILA MARIE BURNETTE (BURNETTE) submitted to the State of Idaho, Department of Insurance (Department), an application for an Idaho non-resident insurance producer license for the lines of life and disability insurance. BURNETTE represented on such application that she is a resident of the state of Washington and is currently licensed as a resident insurance producer in that state under a probationary license.
2. The Department has completed its review of BURNETTE's license application and finds it to be complete.

3. The Department notes that, on November 28, 2011, the State of Washington, Office of Insurance Commissioner, entered a Consent Order Setting Conditions for Probationary Producer's License, Order No. 11-0269, based on BURNETTE's criminal history and outstanding financial obligations arising therefrom. A copy of the Washington Consent Order is attached hereto as Exhibit A. Such Consent Order details BURNETTE's criminal history and related outstanding financial obligations, as of the date of such Consent Order, and provides for the issuance of a probationary producer license to BURNETTE, subject to certain conditions set forth therein.

FINDINGS

4. In view of the facts set forth in paragraphs 1 through 3 above, the Director of the Idaho Department of Insurance (Director) finds, pursuant to Idaho Code § 41-1015(1)(d), that the public interest would best be served by the issuance of a temporary insurance producer license to BURNETTE.

ORDER

NOW, THEREFORE, pursuant to Idaho Code § 41-1015(2), IT IS HEREBY ORDERED that a Temporary Non-Resident Insurance Producer License be issued to BURNETTE, which license shall be in effect for a period of no longer than one hundred eighty (180) days from the date of issuance, unless revoked by order of the Director in accordance with Idaho Code § 41-1015(2), or otherwise terminated pursuant to applicable law.

IT IS FURTHER ORDERED that, pursuant to Idaho Code § 41-1021(1), BURNETTE shall report to the Director any administrative action taken against her in another jurisdiction or by another governmental agency including, but not limited to, any action taken by the State of Washington, Office of Insurance Commissioner, concerning her probationary producer license in

that state, within thirty (30) days of the final disposition of any such action. Such report shall include a copy of the order, consent order, or other relevant legal documents.

IT IS FURTHER ORDERED that, if, during the entire temporary license period authorized by this Order, BURNETTE is in full compliance with title 41, Idaho Code, and the provisions of this Order, the temporary non-resident insurance producer license granted to BURNETTE by this order shall be converted to a standard Idaho non-resident insurance producer license. However, if the Director deems the public interest will best be served by the continuance of such temporary license, BURNETTE's temporary license shall instead be continued for another one hundred eighty (180) day period, provided it is not earlier revoked by order of the Director in accordance with Idaho Code § 41-1015(2), or otherwise terminated pursuant to applicable law.

IT IS SO ORDERED.

NOTIFICATION OF RIGHTS

This is a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Department will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See* Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order may appeal this final order to the district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or operates its principal place of

business in Idaho, or

- iv. The real property or personal property that was the subject of the agency action is located.

An appeal must be filed within twenty-eight (28) days of (a) the service date of this final order, (b) an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. *See* Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

DATED this 19th day of April, 2012.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



WILLIAM W. DEAL
Director

CERTIFICATE OF SERVICE

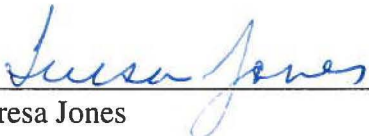
I HEREBY CERTIFY that, on this 19th day of April, 2012, I caused a true and correct copy of the foregoing DIRECTOR'S ORDER GRANTING TEMPORARY NON-RESIDENT INSURANCE PRODUCER LICENSE to be served upon the following by the designated means:

Sheila Marie Burnette
2003 E. Rowan Avenue
Spokane, WA 99207

☒ first class mail
☒ certified mail
☐ hand delivery
☐ via facsimile

A. René Martin
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043

☐ first class mail
☐ certified mail
☒ hand delivery
☐ via facsimile



Teresa Jones

EXHIBIT A



OFFICE OF
INSURANCE COMMISSIONER

IN THE MATTER OF

SHEILA M. BURNETTE

Licensee.

ORDER NO. 11-0269

CONSENT ORDER SETTING
CONDITIONS FOR PROBATIONARY
PRODUCER'S LICENSE

The Insurance Commissioner of the State of Washington, pursuant to the authority set forth in RCW 48.17.060 and RCW 48.17.530, and having reviewed the official records and files of the Office of the Insurance Commissioner ("OIC"), makes the following:

FINDINGS OF FACT:

1. Sheila M. Burnette (hereinafter, "Ms. Burnette") has applied for a Washington State Resident Insurance Producer's license, which application is dated October 17, 2011.
2. Ms. Burnette disclosed in this application that she has numerous criminal convictions, most of which are felonies, dating back to 1994. She attributes her criminal history to many years of being addicted to drugs and alcohol. She states she was in possession, intoxicated, high, or seeking drugs at the time of all of her arrests.
3. Ms. Burnette's felony convictions include:
 - 1995 - Taking a motor vehicle without permission
 - 1995 - Fugitive (failure to appear in court on a petty theft charge)
 - 1996 - Escape (failure to return to a work release program)
 - 1998 - Taking a motor vehicle without permission
 - 2000 - Possession of a controlled substance
 - 2000 - Taking a motor vehicle without permission.
4. Ms. Burnette also has numerous misdemeanor convictions. These include:
 - DUI/DWI (1993, 1999, and 2003);
 - Loitering for the purpose of prostitution (1991, 1995);
 - Driving with a suspended license (1994, 1999, 2003);
 - Obstructing an officer (giving an officer a false name) in 1995 and 1996;



- Possession of drug paraphernalia (2000, 2001); and
 - Numerous probation violations (failing to report to her probation officer).
5. Ms. Burnette reports that she has been clean since August, 2005. She successfully completed a 12-month drug program in February, 2007. In fact, she has worked at a drug and alcohol treatment center since August, 2007. She now supervises over 80 people.
6. Ms. Burnette accrued the following financial obligations related to various of these criminal charges: \$2,270 in 1995, \$2,232.59 in 1998, and \$2,260 in 2000, for a total amount of \$6,762.59. She has been making monthly payments on these fines since January, 2006. To date, she has paid \$4,185.51, leaving a balance of \$2,577.08 owing. Interest penalties in the amount of \$6,996.62 will be deleted once the principal is paid in full.

CONCLUSIONS OF LAW:

1. Under RCW 48.17.530(h), the Commissioner may place on probation, suspend, revoke, or refuse to issue or renew an insurance producer's license, or may levy a civil penalty or any combination of actions, for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in this state or elsewhere.
2. Ms. Burnette's criminal history and her outstanding financial obligations arising from it authorize OIC to issue her producer's license on a probationary basis for the period of this first licensure or until all currently outstanding financial obligations to the Court are paid in full, whichever period is longer.

CONSENT TO ORDER:

Sheila M. Burnette, acknowledging her duty to comply fully with the applicable laws of the State of Washington, consents to the following in consideration of her desire to become licensed as an insurance producer in Washington and to resolve this matter without further administrative or judicial proceedings. The Insurance Commissioner consents to settle the matter in consideration of the terms set forth below.

1. Sheila M. Burnette consents to the entry of this Order, waives any and all hearing rights, and further administrative or judicial challenges to this Consent Order.
2. By agreement of the parties, the Insurance Commissioner will issue Ms. Burnette a probationary insurance producer's license, on the conditions that:
- a. Ms. Burnette provides the Insurance Commissioner a written statement which certifies that she has had no other disciplinary actions or criminal violations other than misdemeanor traffic violations in the last five (5) years.

b. The license issued to Ms. Burnette will be a probationary insurance producer's license under RCW 48.17.530 for the period of this first issued license or until all of her current financial obligations to any Court are paid, whichever time period is longer. Under the terms of this probationary license, if any administrative action is taken against any license Ms. Burnette holds with any state, any action taken against Ms. Burnette by FINRA, or if Ms. Burnette is convicted of any criminal violation other than misdemeanor traffic violations, this probationary Washington resident license will be revoked.

c. Ms. Burnette will remain current at all times with all payment plan(s) she has entered into with any Court. Under the terms of this probationary license, until Ms. Burnette has fully paid all outstanding financial obligations to any Court, if she fails to make payments as agreed, this probationary Washington non-resident license will be revoked.

d. Ms. Burnette will provide OIC with quarterly proof of payment toward all financial obligations to any Court. Proof of payment will be due by the first of the months of January, April, July, and October. This proof shall be sent to: Attn: Licensing Specialist, Office of the Insurance Commissioner, P.O. Box 40255, Olympia, WA 98504-0255. Failure to provide timely proof of payment will result in revocation of Ms. Burnette's probationary insurance producer's license.

e. Ms. Burnette understands and agrees that any future failure to comply with the statutes and regulations governing the insurance and securities industries, or future conviction of a crime other than misdemeanor traffic violations, constitutes grounds for any further penalties which may be imposed in direct response to such further violation, in addition to the revocation of her probationary Washington insurance producer's license.

EXECUTED this 21 day of November, 2011.

SHEILA M. BURNETTE

Sheila M. Burnette

ORDER

Pursuant to the foregoing Findings of Fact, Conclusions of Law, and Consent to Order, the Insurance Commissioner hereby orders as follows:

1. Sheila M. Burnette shall comply with the conditions set forth above.

2. Upon receipt by OIC of this signed Consent Order and the certification set forth in paragraph (2)(a), above, a probationary Washington insurance producer's license will be issued to Ms. Burnette.

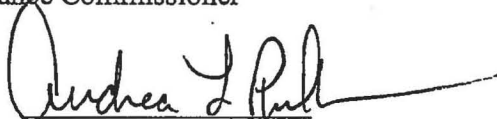
3. Ms. Burnette shall comply with and carry out all applicable laws governing the insurance and securities industries in all states in which she does business, and will also comply with all criminal laws.

4. Ms. Burnette's failure to comply with the terms of his probationary licensure shall result in the revocation of her Washington insurance producer's license and in any other enforcement action which may be taken as a result of such further violation.

ENTERED AT TUMWATER, WASHINGTON, this 28th day of November, 2011.

MIKE KREIDLER
Insurance Commissioner

By



Andrea L. Philhower
OIC Staff Attorney
Legal Affairs Division

**CERTIFICATION IN SUPPORT OF APPLICATION FOR WASHINGTON
INSURANCE PRODUCER'S LICENSE**

I, Sheila M. Burnette, certify by my signature below that I have disclosed to the Washington State Office of the Insurance Commissioner all arrests, convictions, and administrative actions (including actions by the Financial Industry Regulatory Authority, or FINRA) that I am required to disclose. I have had no other disciplinary actions or criminal violations other than misdemeanor traffic violations, in the last five (5) years.

I understand that I am required by Washington Law RCW 48.17.597 to report any future arrests, convictions, and administrative actions (including actions by FINRA) to OIC within thirty days.

11-21-2011

Date

Sheila M. Burnette

Signature