

BEFORE THE DIVISION OF INSURANCE
DEPARTMENT OF LABOR AND REGULATION
STATE OF SOUTH DAKOTA

IN THE MATTER OF
THOMAS WINGERT

)
)

CONSENT ORDER

In resolution of the above matter and in lieu of issuance of a Notice of Hearing and a formal hearing, the undersigned parties do hereby agree to the following:

THOMAS WINGERT whose mailing address of record is 2900 S Phillips Ave Ste 400, Sioux Falls, South Dakota 57105, is licensed as an insurance producer in the State of South Dakota;

THOMAS WINGERT is aware the South Dakota Division of Insurance ("Division") has conducted an investigation;

The South Dakota Division of Insurance alleges the following with regards to THOMAS WINGERT:

- 1) THOMAS WINGERT forged another insurance producer's name on 4 applications for insurance in violation of SDCL § 58-30-167(10);
- 2) THOMAS WINGERT failed to complete required annuity training before soliciting the sale of annuity products in violation of SDCL § 58-33A-25.1;
- 3) Pursuant to SDCL §§ 58-30-167(2), (7), (8), and (10), the Director of the Division of Insurance may revoke THOMAS WINGERT's license for the above cited violations.

THOMAS WINGERT is aware of and understands the nature of the allegations and has been informed that he has the right to a Notice of Hearing, counsel and appeal and that by agreeing to sign this Consent Order, waives these rights;

In return for THOMAS WINGERT agreeing to and complying with the provisions of this Consent Order, the Division agrees not to proceed with the revocation of THOMAS WINGERT's license and subsequent administrative hearing and agrees that this Consent Order will constitute an informal and complete disposition of this licensing matter and the prior period of non-licensure pursuant to SDCL § 1-26-20;

THOMAS WINGERT agrees to pay a total of \$2,500 pursuant to SDCL §§ 58-30-167 and 58-4-28.1, in lieu of license revocation, administrative hearing, and Final Decision;

THOMAS WINGERT further agrees to conduct himself in accordance with the insurance laws and regulations of the State of South Dakota;

THOMAS WINGERT further agrees this Consent Order may be considered for the purpose of determining the appropriate sanction in any future actions with the Division for any violations of the laws or regulations of the State of South Dakota or for failing to abide by any order of the Director;

THOMAS WINGERT waives his right to contest the allegations contained in this Consent Order in any future actions or licensing procedures;

Wherefore, good cause appearing from the foregoing, it is hereby ORDERED that THOMAS WINGERT pay a monetary penalty in the total amount of \$2,500 payable to "South Dakota Division of Insurance" for deposit in the general fund of the State of South Dakota; and it is further

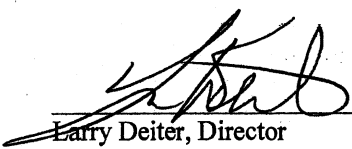
ORDERED that THOMAS WINGERT pay the \$2,500 monetary penalty in 5 monthly payments of \$500.00, with the first payment due at the time of signing the Consent Order, the second payment due on February 15th, 2017, and continue to remit payments by the 15th of each month, until the 5th and final payment is made on or before May 15, 2017; and it is further

ORDERED that THOMAS WINGERT abide by the agreements made by it in this Consent Order; and it is further

ORDERED that the use of this Consent Order for competitive purposes by an insurance agent or third-party administrator holding a license in the State of South Dakota, or by any company holding a Certificate of Authority, or by anyone on their behalf, may be deemed unfair competition and be grounds for suspension or revocation of said license or authority; and it is further

ORDERED that the provisions of this Consent Order shall be effective from the date the Director signs this Order.

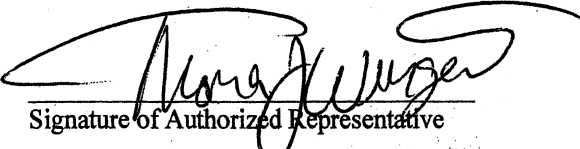
Dated at Pierre, South Dakota this 16th day of February, 2017.



Larry Deiter, Director
South Dakota Division of Insurance

The undersigned, on behalf of THOMAS WINGERT represents it understands the terms of this Consent Order and the waiver of its due process rights and voluntarily enters into this Consent Order.

Dated this 26 day of January, 2017



Signature of Authorized Representative
Thomas J. Wingert

Printed Name
Insurance Agent

Title