

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 10580-AG11-0919-127

IN THE MATTER OF: )

Brian Vieke )  
P.O. Box 261 )  
Vincennes, IN 47591 )

Respondent, )

Type of Agency Action: Enforcement )

License Numbers: 395194 )

**FILED**

APR 10 2012

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

The Indiana Department of Insurance (“Department”) and Brian Vieke, an Indiana resident holding insurance producer’s license number 395194 (“Respondent”), signed an Agreed Entry which purports to resolve all issues regarding the above cause number, and which has been submitted to the Commissioner of Insurance (the “Commissioner”) for approval.

The Commissioner, after reviewing the Agreed Entry, finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between the parties. The Commissioner hereby incorporates the Agreed Entry as if fully set forth herein, and approves and adopts in full the Agreed Entry as a resolution of this matter.

IT IS, THEREFORE, ORDERED, by the Commissioner of Insurance:

1. Respondents’ actions, as detailed in the Agreed Entry, are in violation of Indiana Code § 27-1-15.6-12(b)(4) and § 27-1-15.6-12(b)(8).
2. Respondents shall pay an administrative fine in the amount of \$1,500.00 within

sixty (60) days.

ALL OF WHICH IS ORDERED this 10<sup>th</sup> day of April, 2012.

A handwritten signature in black ink, reading "Stephen W. Robertson". The signature is written in a cursive style and is positioned above the printed name and title.

Stephen W. Robertson,  
Commissioner, Indiana Department of Insurance

Distribution:

Brian Vieke  
PO Box 261  
Vincennes, IN 47591

Nikolas P. Mann  
**INDIANA DEPARTMENT OF INSURANCE**  
311 West Washington Street, Suite 300  
Indianapolis, Indiana 46204-2787

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STATE OF INDIANA  
DEPT. OF INSURANCE

**AGREED ENTRY**

This Agreed Entry is executed by Nikolas P. Mann, Attorney for and on behalf of the State of Indiana, Indiana Department of Insurance ("Department"), and Brian Vieke ("Respondent"), a licensed resident insurance producer in the State of Indiana, to resolve all issues in the above cause number. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Commissioner, Indiana Department of Insurance.

WHEREAS, Respondent is licensed as an individual resident insurance producer in the State of Indiana, holding license number 395194; and,

WHEREAS, Respondent has been licensed since September 20, 2000; and,

WHEREAS, on August 25, 2011, the Department received a complaint from a Vincennes resident who stated that Respondent had accepted premium payments each month for approximately two years on a policy that had been cancelled without her knowledge; and,

WHEREAS, Respondent states that due to a clerical error, he inadvertently accepted the premium payments from the complainant, but assures the Department that this was an isolated incident; and,

WHEREAS, Respondent has made full restitution to the complainant; and,

WHEREAS, Respondent's conduct, as alleged herein, constitutes a violation of Indiana Code §27-1-15.6-12(b)(4) and §27-1-15.6-12(b)(8); and,

WHEREAS, the Department and Respondent desire to resolve their differences and settle the issues without the necessity of a hearing;

IT IS, THEREFORE, NOW AGREED by and between the parties as follows:

1. The Commissioner has jurisdiction over the subject matter and Respondent in this administrative action.
2. This Agreed Entry is executed voluntarily by the parties.
3. Respondent voluntarily and freely waives the right to a public hearing.
4. Respondent voluntarily and freely waives the right to judicial review of this matter.
5. Respondent shall pay a fine of \$1,500.00, payable to the State of Indiana, within sixty (60) days of the Final Order adopting this Agreed Entry.
6. Should this Agreed Entry not be accepted by the Commissioner, it is agreed that presentation to and consideration of this Agreed Entry by the Commissioner shall not unfairly or illegally prejudice the Commissioner from further participation in or resolution of these proceedings.
7. Respondent has carefully read this agreement and fully understands and accepts its terms.

3/27/12  
Date Signed

  
\_\_\_\_\_  
Nikolas P. Mann, Attorney  
Indiana Department of Insurance

3/23/12  
Date Signed

  
\_\_\_\_\_  
Brian Vieke,  
Respondent

STATE OF INDIANA       )  
                                  )  
COUNTY OF Knob       ) SS:

Before me a Notary Public for Knob County, State of Indiana,  
personally appeared Brian Vieke, and being first duly sworn by me upon his oath, says that the  
facts alleged in the foregoing instrument are true.

Signed and sealed this 23<sup>rd</sup> day of March, 2012.

Jeanne L. Flickinger  
Signature

Jeanne L. Flickinger  
Printed

My Commissioner expires: 2-24-2013

County of Residence: Knob