

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 10726-AG12-0803-093

IN THE MATTER OF:)
)
Kenneth Klimaszewski)
7100 Idaho Ave., Apt. 10)
Hammond, IN 46323)
)
Indiana Insurance License No.: 425353)
)
Type of Agency Action: Enforcement)

FILED

AUG 16 2012

STATE OF INDIANA
DEPT. OF INSURANCE

ORDER AND NOTICE OF NONRENEWAL OF LICENSE

The Indiana Department of Insurance (“Department”), pursuant to the Indiana Administrative Orders and Procedures Act, Ind. Code § 4-21.5-3-5, and Ind. Code § 27-1-15.6-12, hereby gives notice to Kenneth Klimaszewski (“Respondent”) of the following Order:

1. Respondent is a qualified surplus lines producer, license number 425353.
2. Pursuant to Ind. Code § 27-1-15.8-4(c), surplus lines producers must file semi-annual tax reports with the Department no later than February 1 and August 1 of each year.
3. Respondent failed to file the semi-annual tax report that was due August 1, 2011.
4. The Department, by the Financial Services Division, attempted to notify Respondent of his violation by letter dated August 12, 2011. Specifically, the Department informed Respondent that he failed to file the requisite tax report on or before August 1, 2011.
5. The letter was returned to the Department as “undeliverable” on August 18, 2011.
6. Financial Services forwarded the matter to the Enforcement Division on October 7, 2011.

7. The Department, by the Enforcement Division, mailed a letter to Respondent via certified mail informing Respondent of his violation and requesting that he submit a list of appointments pursuant to Ind. Code § 27-1-15.6-12(g).

8. On or about October 20, 2011, Enforcement's letter was returned as "undeliverable."

9. To date, Respondent has failed to file his semi-annual tax filings that became due August 1, 2011 and March 1, 2012, as well as his list of appointments.

10. The Department has made a reasonable attempt to contact Respondent.

11. Respondent's surplus lines producer license expires on August 31, 2012.

12. Pursuant to Ind. Code § 27-1-15.6-12(b), the Commissioner of the Department ("Commissioner") may "levy a civil penalty, place an insurance producer on probation, suspend an insurance producer's license, revoke and insurance producer's license for a period of years, permanently revoke an insurance producer's license, or *refuse to issue or renew an insurance producer license*, or take any combination of these actions[.]" (*Emphasis added*).

13. Ind. Code § 27-1-15.6-12(d) provides, in part, as follows:

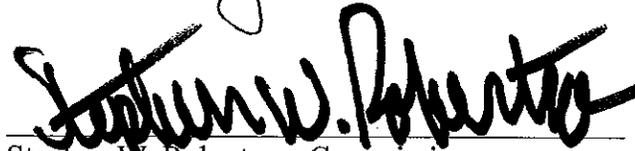
If the Commissioner refuses to renew a license or denies an application for a license, the Commissioner shall notify the applicant or licensee and advise the applicant or licensee, in a writing sent through regular first class mail, of the reason for the denial of the applicant's application or the nonrenewal of the licensee's license.

WHEREFORE, based on the foregoing, the Commissioner hereby notifies Respondent Kenneth Klimaszewski that his surplus lines producer license will not be renewed.

WHEREFORE, the Commissioner further notifies Respondent that, pursuant to Ind. Code § 27-1-15.6-12(d), Respondent may, within sixty-three (63) days, make a written demand to the Commissioner for a hearing to determine the reasonableness of the Commissioner's action.

Said hearing would be held within thirty (30) days from the date of receipt of Respondent's written demand.

ALL OF WHICH IS ORDERED this 10th day of August, 2012.



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

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