

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

IN THE MATTER OF:)
)
DAVID WAYNE TROUT)
4600 Windham Drive)
Evansville, Indiana 47725)
)
Resident Producer License #: 408498)
)
Type of Agency Action: Enforcement)

CAUSE NO: 11514-AG12-1207-112

FILED

FEB 01 2013

STATE OF INDIANA
DEPT. OF INSURANCE

AGREED ENTRY

This Agreed Entry is executed by and between the Indiana Department of Insurance (“Department”), by counsel, and David Wayne Trout (“Trout”), an Indiana resident insurance producer. This Agreed Entry is subject to the review and approval of the Commissioner of the Department.

WHEREAS, Trout is a resident of Indiana;

WHEREAS, Trout is a licensed insurance producer, holding license number 408498;

WHEREAS, on or about September 21, 2012, the Department received information from Russ Schoeberlein, a Senior Audit Specialist, Farmers Insurance Company (“Farmers”), describing Farmers investigation of Trout’s book of policies; and

WHEREAS, on or about March 13, 2012, a Farmers Commercial New Business Team Manager notified Internal Audit of irregularities noted during a review of three (3) commercial policies written by Trout on February 6, 2012, for insured David Clark. Two (2) of the policies were identical, providing coverage for the same seventy-six (76) rental locations, while the third policy insured twenty six (26) of the seventy-six (76) locations covered by the prior two policies; and

WHEREAS, Farmer's investigation determined that, when the insured's policies cancelled, Trout wrote new policies instead of collecting the earned premium due and reinstating the policies;

WHEREAS, Farmers determined that Trout forged client signatures, including David Clark's signature, on at least five (5) different Cancellation Request Forms;

WHEREAS, Trout admitted that he engaged in this conduct as alleged; and

WHEREAS, Trout's conduct, as alleged herein, constitutes violations of Ind. Code §§ 27-1-15.6-12(b)(8) & (10); and

WHEREAS, the Department and Trout 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 of and the parties to this Agreed Entry.
2. This Agreed Entry is executed voluntarily by the parties.
3. Trout voluntarily and freely waives his right to a public hearing.
4. Trout voluntarily and freely waives his right to petition for judicial review of this agreement and the Commissioner's Final Order.
5. Trout used fraudulent and dishonest practices in the conduct of business in Indiana.
6. Trout also forged another's name to documents related to insurance transactions.
7. Trout agrees to the Permanent Revocation of his Insurance Producer's License.
8. The Department agrees to accept Trout's compliance with the terms of this agreement as full resolution of this issue.

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FINAL ORDER AND APPROVAL

The Indiana Department of Insurance (“Department”) and David Wayne Trout, (“Respondent”), signed an Agreed Entry which purports to resolve all issues involved in the action by the Department regarding Respondent’s license, and which has been submitted to the Commissioner of Insurance (the “Commissioner”) for approval.

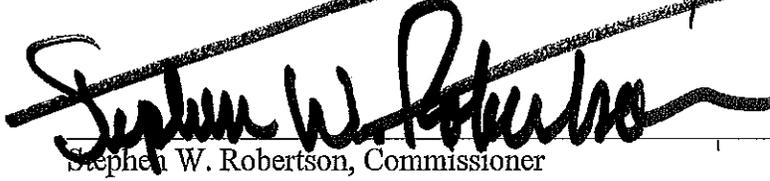
The Commissioner, after reviewing the Agreed Entry, finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between the parties. The Commissioner hereby incorporates the Agreed Entry as if fully set forth herein, and approves and adopts in full the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

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Respondent admits that he used fraudulent and dishonest practices, demonstrating untrustworthiness in the conduct of business in Indiana.
2. Respondent forged another’s name to documents related to insurance transactions.

3. Respondent's active Indiana resident producer's license, number 408498, is Permanently Revoked.

ALL OF WHICH IS ORDERED this 1st day of February 2013.



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

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