

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
CAUSE NUMBER: 13310-IA14-1107-002

Marian P. Kincade)
7001 Wagonwheel Rd)
Fort Worth TX 76133)
)
Applicant)
)
Type of Agency Action: Enforcement)
)
Application ID: 438780)

FILED

JUN 09 2015

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

The Indiana Department of Insurance (“Départment”), by counsel, Joshua D. Harrison, and Marian P. Kincade (“Applicant”), an applicant for a non-resident Indiana Independent Adjuster’s license, signed an Agreed Entry which purports to resolve all issues involved in the above-captioned cause number, and which has been submitted to the Commissioner of the Indiana Department of Insurance (the “Commissioner”) for approval.

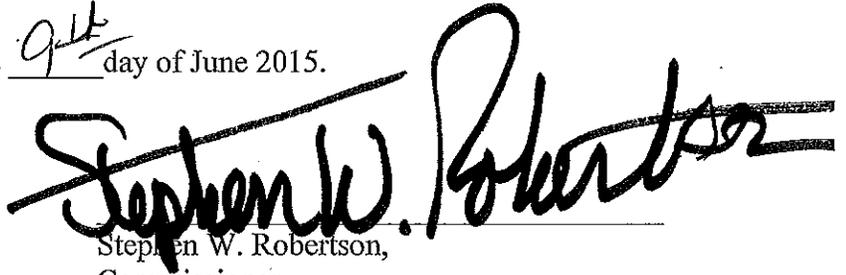
The Commissioner, after reviewing the Agreed Entry, finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between the parties. The Commissioner hereby incorporates the Agreed Entry, attached, as if fully set forth herein, and approves and adopts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

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Applicant shall pay an administrative fine of Two Hundred Fifty Dollars and no/100 (\$250.00) within thirty (30) days of today’s date.

2. Upon payment of said administrative fine, Applicant shall be granted a non-resident Independent Adjuster's license.

ALL OF WHICH IS ORDERED this 9th day of June 2015.

A large, stylized handwritten signature in black ink, reading "Stephen W. Robertson". The signature is written over a horizontal line.

Stephen W. Robertson,
Commissioner
Indiana Department of Insurance

Distribution:

Joshua D. Harrison
INDIANA DEPARTMENT OF INSURANCE
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204-2787

Marian P. Kincade
7001 Wagonwheel Rd
Fort Worth TX 76133

Certified Receipt Number: 91 7190 0005 2720 0044 8511

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

Cause Number: 13310-IA14-1107-002

IN THE MATTER OF:)
)
Marian P. Kincade)
7001 Wagonwheel Rd)
Fort Worth TX 76133)
)
Applicant)
)
Type of Agency Action:)
Enforcement)
)
Application ID: 438780)

RECEIVED

MAY 21 2015

STATE OF INDIANA
DEPT. OF INSURANCE

FILED

JUN 09 2015

STATE OF INDIANA
DEPT. OF INSURANCE

AGREED ENTRY

This Agreed Entry is executed by and between the Enforcement Division of the Indiana Department of Insurance ("Department"), by counsel, Joshua D. Harrison, and Marian P. Kincade ("Applicant"), to resolve all issues in the above-captioned cause number. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Commissioner of the Indiana Department of Insurance.

WHEREAS, on August 26, 2014, Applicant submitted an application for a Nonresident Independent Adjuster's license; and,

WHEREAS, on said license application, Applicant failed to disclose a 1998 Texas Felony dismissal following Deferred Adjudication for Credit Card Abuse; and,

WHEREAS, the Department alleges that Applicant's conduct constitutes a violation of Indiana Code § 27-1-28-18(b)(1); and,

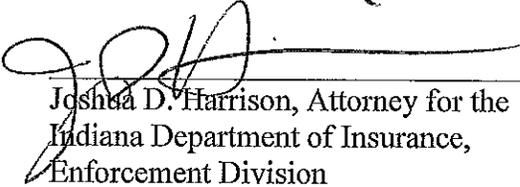
WHEREAS, the Department and Applicant (collectively, the "Parties") desire to resolve this matter without the necessity of a hearing.

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

1. The Commissioner has jurisdiction over the subject matter and the Parties to this Agreed Entry.
2. This Agreed Entry is executed voluntarily by the Parties.
3. Applicant voluntarily and freely waives the right to a public hearing on this matter.
4. Applicant voluntarily and freely waives the right to judicial review of this agreement and the Commissioner's Final Order.
5. Applicant acknowledges Ind. Code § 27-1-28-22(b) requires her to report to the Commissioner, not more than thirty (30) days after an initial pretrial hearing date, any criminal prosecution initiated in any jurisdiction.
6. Applicant also acknowledges Ind. Code § 27-1-28-22(a) requires her to report to the Commissioner, not more than thirty (30) days after the final disposition of the matter, any administrative action taken against the adjuster in another jurisdiction or by another governmental agency in Indiana.
7. Applicant shall pay an administrative fine in the amount of Two Hundred Fifty Dollars and 00/100 (\$250.00) within thirty (30) days of the Commissioner's Final Order adopting this Agreed Entry.
8. Provided no other issues arise, once said administrative fine is paid, Applicant's application for licensure shall be granted.
9. 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.

10. Applicant has carefully read this agreement and fully understands and accepts its terms.

6-4-15
Date Signed


Joshua D. Harrison, Attorney for the
Indiana Department of Insurance,
Enforcement Division

5/14/2015
Date Signed


Marian P. Kincade, Applicant

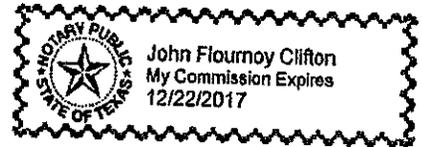
STATE OF TEXAS)
COUNTY OF Dallas) SS:

Before me a Notary Public for Dallas County, State of Texas,
personally appeared Marian P. Kincade, 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 14th day of May, 201~~4~~ 2015

[Signature]
Signature
John Clifton
Printed

My Commission expires: 12/22/2017
County of Residence: Collin



STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

Cause No.: 13310-AD15-0226-009

IN THE MATTER OF:)
)
INDEPENDENT ADJUSTER)
LICENSE APPLICATION OF:)
)
Marian Kincade,)
Applicant.)
7001 Wagonwheel Rd.)
Forth Worth, TX 76133)

FILED

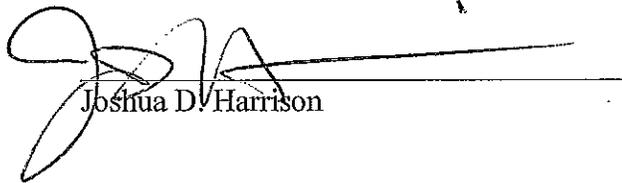
JUN 09 2015

STATE OF INDIANA
DEPT. OF INSURANCE

**MOTION TO VACATE PRELIMINARY ADMINISTRATIVE ORDER
OF LICENSE DENIAL**

The Enforcement Division, by counsel, now moves that the Preliminary Administrative Order of License Denial of March 11, 2015 be vacated. In support of this request, the Division asserts that Applicant has entered in to an Agreed Entry which purports to resolve her violations of Indiana Code, and she now fully meets the requirements of licensure as stated by Indiana Code § 27-1-28-17.

Respectfully requested,


Joshua D. Harrison

ORDER

The Commissioner now being so advised hereby vacates the referenced Preliminary Administrative Order of License Denial, effective March 11, 2015 this 9th day of June 2015.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Joshua D. Harrison
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204

Marian Kincade
7001 Wagonwheel Rd
Fort Worth, TX 76133

VIA CERTIFIED MAIL: 91 7190 0005 2720 0044 8511