

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

Cause Number: 13767-AG15-0302-036

IN THE MATTER OF )  
 )  
Luz Marban )  
10171 W 157 Ave )  
Lowell, IN 46356 )  
 )  
Respondent )  
 )  
Type of Agency Action: Enforcement )  
 )  
Resident Producer License: 598738 )

**FILED**

APR 10 2015

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

The Enforcement Division of the Indiana Department of Insurance (“Department”), by counsel, Brigitte R. Collier, and Luz Marban (“Respondent”), a licensed resident insurance producer, 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.

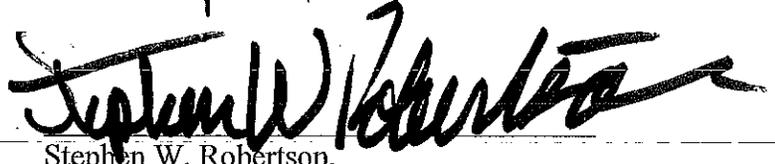
The Commissioner, after reviewing the Agreed Entry, finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between the parties. The Commissioner hereby incorporates the Agreed Entry, attached, as if fully set forth herein, and approves and adopts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

IT IS THEREFORE ORDERED by the Commissioner as follows:

1. Respondent’s Indiana Resident Insurance Producer License, number 598738, is hereby permanently revoked for misappropriation of policyholder funds.

2. The Department agrees to accept this agreement as full resolution of this matter.

ALL OF WHICH IS ORDERED this 10<sup>th</sup> day of April 2015.



Stephen W. Robertson,  
Commissioner  
Indiana Department of Insurance

Distribution:

Brigitte R. Collier  
**INDIANA DEPARTMENT OF INSURANCE**  
311 West Washington Street, Suite 103  
Indianapolis, Indiana 46204-2787

Luz Marban  
10171 W 157 Ave  
Lowell, IN 46356

**Certified Mail Receipt: 9214 8901 0661 5400 0055 8372 82**

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 ) SS:  
COUNTY OF MARION )  
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Producer's License: 598738 )

**FILED**  
APR 10 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, Brigitte R. Collier, and Luz Marban ("Respondent"), 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, Respondent is a licensed Resident Insurance Producer, holding license number 598738; and

WHEREAS, on or about December 18, 2014, Respondent was terminated from State Farm Insurance Company for misappropriation of policyholder funds;

WHEREAS, the Respondent's conduct is a violation of Indiana Code § 27-1-15.6-12(b)(4), which states that an insurance producer shall not improperly withhold misappropriate, or convert monies or properties received in the course of doing insurance business;

WHEREAS, the Department and Respondent (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:

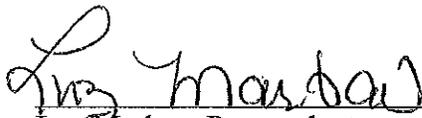
1. The Commissioner has jurisdiction over the subject matter and the Parties to this Agreed Entry.
2. This Agreed Entry is executed voluntarily by the Parties.
3. Respondent voluntarily and freely waives the right to a public hearing on the issues in this matter.
4. Respondent voluntarily and freely waives the right to judicial review of this matter.
5. Respondent agrees to the Permanent Revocation of her Resident Insurance Producer's License.
6. The Department agrees to accept Respondent's compliance with this agreement as full satisfaction of this matter.
7. Respondent has carefully read and examined this agreement and fully understands its terms.
8. Respondent has entered into this agreement freely, and has not been subject to duress, threat or undue influence.
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. Respondent is aware that failure to comply with any of the terms of this agreement will result in the matter being set for a hearing.

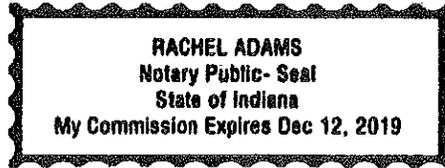
4-8-2015  
Date Signed

  
\_\_\_\_\_  
Brigitte R. Collier, Attorney  
Indiana Department of Insurance

3-28-2015  
Date Signed

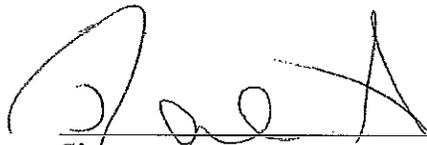
  
\_\_\_\_\_  
Luz Marban, Respondent

STATE OF INDIANA )  
 ) SS:  
COUNTY OF LAKE )



Before me a Notary Public for LAKE County, State of Indiana,  
personally appeared Luz Marban, 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 28 day of MARCH, 2015.

  
Signature

RACHEL ADAMS  
Printed

My Commission expires: DEC. 12, 2019

County of Residence: LAKE COUNTY

**CERTIFIED MAIL RECEIPT: 9214 8901 0661 5400 0051 9633 74**

Indiana Department of Insurance -CONFIDENTIAL  
Consumer Protection Unit

To: Douglas J. Webber, Chief of Staff  
Cc: Brigitte R. Collier, Attorney  
From: Calla Dain, Jr. Investigator  
Date: April 08, 2015

Re: Luz Marban; ("Respondent")  
Cause No.: 13767-AG15-0302-036

Purpose:

The purpose of this memo is to recommend that the Commissioner adopt the attached Final Order to permanently revoke a resident producer's license for misappropriation of policyholder funds.

Issue:

Whether a producer who misappropriated policyholder funds should have her resident producer license permanently revoked.

Facts:

Respondent is a resident producer, holding license number 598738. Respondent obtained her license on May 27, 2008. On or about February 02, 2015, the Department received notification that Respondent's employment was terminated for cause from State Farm. The reason for termination was listed as misappropriation of policyholder funds.

Through an investigation by State Farm, it was discovered that Respondent engaged in a lapping scheme, involving multiple instances of depositing premium payments made via check by one customer, but applying them to the policy of a different cash-paying customer. Respondent also used her own personal credit cards to replace previously misappropriated funds. Additionally, Respondent used the credit cards of at least three customers to pay the premiums of unrelated, cash-paying customers for the same purpose. In an interview, Respondent admitted to State Farm investigators to the misappropriation of cash payments for her own use.

Respondent entered in to an Agreed Entry with the Enforcement Division on April 08, 2015 for the permanent revocation of her resident producer license.

Analysis:

Indiana Code § 27-15.6-12(b)(4) states that the commissioner may permanently revoke a producer's license for improperly misappropriating any monies or properties received in the course of doing insurance business.

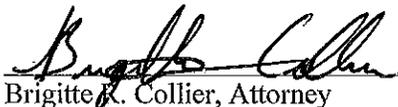
The Enforcement Division believes that no other action other than the permanent revocation of Respondent's license is appropriate because: (1) these are the only violations at issue, (2) Respondent has admitted to the misappropriations, and (3) Respondent has agreed to the permanent revocation of her license.

Recommendation

We request that the Commissioner issue the Final Order for the permanent revocation of Respondent's producer license.



Calla Dain, Jr. Investigator



Brigitte R. Collier, Attorney