

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
CAUSE NUMBER: 14523-AG15-1016-265

Phyllis Smith)
390 McLee Rd)
Lexington, SC 29073)
Respondent)
Type of Agency Action: Enforcement)
National Producer Number: 6439222)

FILED

NOV 24 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 Phyllis Smith (“Respondent”), an unlicensed nonresident 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, 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 agrees to cease and desist from all activities permitted to a licensed insurance producer including the solicitation, negotiation, and sale of insurance products until she is properly licensed, and Respondent shall pay an administrative fine of five hundred dollars (\$500.00) within thirty (30) days after the Commissioner signs the Final Order, for her submission of an application to an Indiana consumer without holding an Indiana producer's license.
2. The Department agrees to accept this agreement as full resolution of this matter.

ALL OF WHICH IS ORDERED this 24 day of November 2015.



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Brigitte R. Collier, Attorney
Indiana Department of Insurance
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204-2787

Phyllis Smith
390 McLee Rd
Lexington, SC 29073

Certified Receipt Number: 91 7190 0005 2720 0051 6050

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 14523-AG15-1016-265

IN THE MATTER OF:)

Phyllis Smith)
390 McLee Rd)
Lexington, SC 29073)

Respondent)

Type of Agency Action: Enforcement)

National Producer Number: 6439222)

FILED

NOV 24 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 Phyllis Smith (“Respondent”), to resolve all issues in the above-captioned cause number. This Agreed Entry is subject to the review and approval of the Department’s Commissioner, Stephen W. Robertson (“Commissioner”);

WHEREAS, the Respondent is a unlicensed Nonresident Insurance Producer, holding national producer number 6439222;

WHEREAS, on or about August 31, 2015, the Department was notified by Humana Insurance Company that Respondent was terminated for cause due to her submission of an application to an Indiana consumer without holding an Indiana producer’s license;

WHEREAS, Respondent’s actions are in violation of Indiana Code §27-1-15.6-3(a) which states that a person shall not sell, solicit, or negotiate insurance in Indiana for any class or classes of insurance unless the person is licensed for that line of authority.

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 cease and desist from all activities permitted to a licensed insurance producer including the solicitation, negotiation, and sale of insurance until she is properly licensed.
6. Respondent shall pay an administrative fine of Five Hundred Dollars (\$500.00) within thirty (30) days after the Commissioner signs the Final Order adopting this Agreed Entry.
7. Should additional violations manifest, further administrative actions will be taken for the new violation.
8. The Department agrees to accept Respondent's compliance with this agreement as full satisfaction of this matter.
9. Respondent has carefully read and examined this agreement and fully understands and accepts its terms.

10. Respondent has entered into this agreement freely, and has not been subject to duress, threat or undue influence.
10. 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.
11. Respondent is aware that failure to comply with any terms of this agreement will result in the matter being set for a hearing.

11-19-15

Date Signed

Brigitte Collier

Brigitte R. Collier, Attorney
Indiana Department of Insurance

October 30, 2015

Date Signed

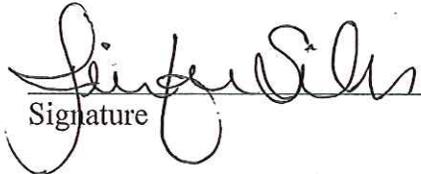
Phyllis Smith

Phyllis Smith, Respondent

STATE OF SOUTH CAROLINA)
) SS:
COUNTY OF Lexington)

Before me a Notary Public for Lexington County, State of South Carolina personally appeared Phyllis Smith and being first duly sworn by me upon their oath, says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 30 day of October, 2015.


Signature

Jennifer Silver
Printed

My Commission Expires November 10, 2018

My Commission expires: _____

County of Residence: Lexington

Certified Mail Receipt: 91 7190 0005 2720 0050 4705