

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
CAUSE NUMBER: 5397-AG08-0128-021

IN THE MATTER OF:)
)
Jeffery Coddington)
Respondent)
)
1001 Maple Dr. West)
Lebanon, IN 46052)

FILED

MAY 14 2009

STATE OF INDIANA
DEPT. OF INSURANCE

Indiana Resident License No.: 1172200

Type of Agency Action: Enforcement

FINAL ORDER

On March 16,2009, the Administrative Law Judge, filed his Findings of Fact, Conclusions of Law and Recommended Order in the above-captioned matter.

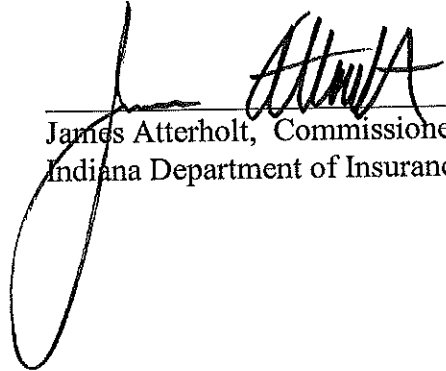
1. The Department served Findings of Fact, Conclusions of law, and Recommended Order and Notice of Filing Recommended Order on Respondent by mailing the same to his home address.
2. The Department has complied with the notice requirements of Ind. Code §4-21.5-3-17.
3. Respondent has not filed an objection with the Commissioner regarding the Administrative Law Judge's Recommended Order, and more than eighteen (18) days have elapsed.

Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Respondent's insurance license #523800 is suspended indefinitely.
2. Respondent is ordered to pay a civil penalty in the amount of five hundred dollars (\$500.00), payable in full within thirty (30) days after the date of the Commissioner's Final Order.
3. Suspension may be lifted and Respondent's license placed in a three (3) year probationary status if all of the following requirements are met:
 - a. The fine in the amount of five hundred (\$500.00) dollars is timely paid as required.
 - b. The Respondent obtains full-time employment with an established agency or company acceptable to the Department that agrees to provide mentoring, training, and oversight of Respondent's insurance sales activities during his employment.
 - c. The agency or company in #b. above will provide quarterly reports of Respondent's activities during the first three (3) years of his employment.
4. Probationary status will be lifted if a, b, c in #3 above are completed.

ALL OF WHICH IS ORDERED by the Commissioner this 14 day of May, 2009.



James Atterholt, Commissioner
Indiana Department of Insurance

Copies to:

Jeffrey Coddington
1001 Maple Drive West
Lebanon, IN 46052

Laura Levenhagen, Attorney
Indiana Department of Insurance
311 West Washington St., Suite 300
Indianapolis, IN 46204

STATE OF INDIANA)
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BEFORE THE INDIANA
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CAUSE NUMBER: 5397-AG08-0128-021

IN THE MATTER OF:)
)
Jeffery Coddington)
Respondent)
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1001 Maple Dr. West)
Lebanon, IN 46052)

FILED

MAR 16 2009

STATE OF INDIANA
DEPT. OF INSURANCE

Indiana Resident License No.: 1172200

Type of Agency Action: Enforcement

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND RECOMMENDED ORDER**

Administrative Law Judge, John R. Kissling, Jr., having considered and reviewed all of the evidence, will now render a decision in the matter of Respondent Jeffery Coddington ("Respondent"), which came to be heard on the 16th day of December, 2008 at 10:13 a.m. in the second floor conference room at the offices of the Indiana Department of Insurance ("Department"), 311 W. Washington St., Indianapolis, Indiana.

The Indiana Department of Insurance was represented by counsel, Laura Levenhagen. Respondent was present and unrepresented by counsel. Witnesses testified under oath, evidence was heard, and exhibits were received into evidence.

Based upon the evidence presented at said hearing, the Administrative Law Judge now makes the following Findings of Fact and Conclusions of Law, and issues his Recommended Order as follows:

FINDINGS OF FACT

1. Respondent has an resident producer license, license number 1172200.
2. Respondent was sent notification of the hearing date and time by U.S. Certified Mail #7004 1160 0000 3841 8931.
3. On March 5, 2007, a complaint was received against Respondent. The complaint was filed by Robert Ferguson son of the ninety (90) year old insured Doris Ferguson, client of Respondent. The complaint stated that Respondent had talked Ms. Ferguson into canceling her two (2) annuities with Bankers Life. Respondent then had Ms. Ferguson write a check in the amount of \$29,000.00 dollars to send to American National for a new annuity. Respondent then deposited the check into his personal bank account. (Exhibit A).
4. On March 14, 2007, the Department received a response from Respondent regarding the complaint. Respondent states he did sit down with Ms. Ferguson and discussed the process of moving the money into a separate annuity. Respondent also stated there were delays in the transfer of the money. (Exhibit B).
5. Respondent then mailed a check from his personal bank account to American National without an application for a new annuity for Ms. Ferguson. A letter accompanied the check stating hold for annuity application. (Transcript pg. 15).
6. Respondent stated the delays in the transfer of Mrs. Ferguson's money were due to a snow storm. Weather records of the area were checked and no snow storm had occurred during the period Respondent had stated. (Exhibit C).

CONCLUSIONS OF LAW

1. The Commissioner of Insurance has jurisdiction over both the subject matter and the parties to this action.
2. This hearing was held in compliance with the Administrative Orders and Procedures Act of the Indiana Code.
3. The Commissioner has the discretionary authority to revoke the Respondent's license to sell insurance and to fine Respondent.
4. Service of process was completed via the use of the United States Mail in compliance with the statute and due process requirements.
5. The Department has met its burden in showing by a preponderance of the evidence that Respondent's conduct is contrary to the Indiana Insurance Code and that disciplinary action to include revocation of Respondent's license is in order.
6. Findings of Fact that can be adopted as Conclusions of Law are hereby incorporated herein as such.

RECOMMENDED ORDER

With the Findings of Fact and the Conclusions of Law as stated, the Administrative Law Judge now recommends to the Commissioner of Insurance the following:

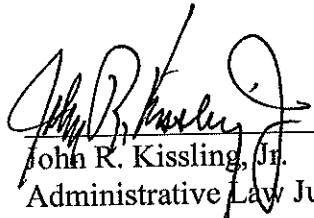
1. Respondent's insurance license #523800 should be suspended indefinitely.
2. Respondent should be ordered to pay a civil penalty in the amount of five hundred dollars (\$500.00), payable in full within thirty (30) days after the date of the Commissioner's Final Order.

3. Suspension may be lifted and Respondent's license placed in a three (3) year probationary status if all of the following requirements are met:

- a. The fine in the amount of five hundred (\$500.00) dollars is timely paid as required.
- b. The Respondent obtains full-time employment with an established agency or company acceptable to the Department that agrees to provide mentoring, training, and oversight of Respondent's insurance sales activities during his employment.
- c. The agency or company in #b. above will provide quarterly reports of Respondent's activities during the first three (3) years of his employment.

4. Probationary status will be lifted if a, b, c in #3 above are completed.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 16th day of March, 2009.


John R. Kissling, Jr.
Administrative Law Judge

Distribution:

**Jeffrey Coddington
1001 Maple Drive West
Lebanon, IN 46052**

**Laura Levenhagen, Attorney
Indiana Department of Insurance
311 West Washington St., Suite 300
Indianapolis, IN 46204**

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 5397-AG08-0128-021

IN THE MATTER OF:

Jeffery A Coddington)
Agent / Respondent)

1001 Maple Dr. West)
Lebanon, Indiana 46052)

Type of Agency Action: Enforcement)

Indiana Insurance License No.: 1172200)

FILED

OCT 30 2008

STATE OF INDIANA
DEPT. OF INSURANCE

STATEMENT OF CHARGES

The Enforcement Division of the Indiana Department of Insurance (the "Department"), pursuant to the Indiana Administrative Orders and Procedures Act, Indiana Code Section 4-21.5-1 *et seq*, and the Agent Licensing provisions, Indiana Code Section 27-1-15.6 *et seq*, files charges against Jeffery A. Coddington, a resident insurance producer licensed in the State of Indiana:

FACTS

1. Respondent Jeffery A. Coddington is a resident of Indiana. Respondent is a licensed non-resident insurance producer in Indiana, holding license number 517444.
2. In January of 2007 Respondent recommended that his client, Doris Ferguson, then a ninety (90) year old Indiana resident, exchange two Bankers Life Insurance annuities for one American National Insurance annuity.
3. Respondent's basis for making this recommendation was that he was about to be terminated by Bankers Life Insurance, and he made no efforts to determine if this transaction was suitable for Doris Ferguson.
4. In January of 2007 Respondent had Doris Ferguson provide him with a check for twenty nine thousand dollars (\$29,000) for the American National Insurance annuity referenced in paragraph 2.

Respondent did not provide Doris Ferguson with a receipt or with any documentation regarding this transaction.

5. On January 29, 2007 Respondent deposited twenty nine thousand dollars (\$29,000) of Doris Ferguson's money into his personal National City bank account, and held those funds there for approximately one month before forwarding the money to America National Insurance.

COUNT I

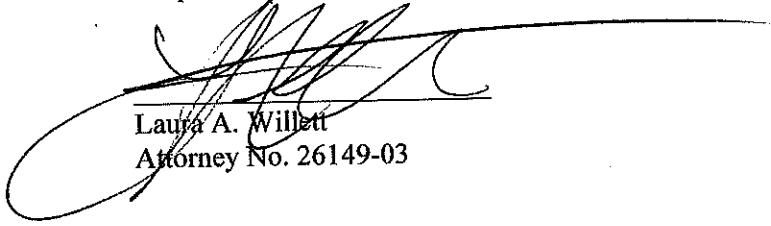
6. Averments 1 through 5 are repeated as incorporated by reference herein.
7. Respondent's conduct, as alleged herein, is a violation of Indiana Code 27-1-15.6-12(b)(4).
8. Respondent is subject to penalties including, but not limited to, probation, suspension, or revocation of Respondent's Indiana (non-resident or resident) insurance license, and fines in accordance with Indiana Code 27-1-15.6-12(b)(2)(A)

COUNT II

9. Averments 1 through 8 are repeated as incorporated by reference herein.
10. Respondent's conduct, as alleged herein, is a violation of Indiana Code 27-1-15.8-12(b)(8).
11. Respondent is subject to penalties including, but not limited to, probation, suspension, or revocation of Respondent's Indiana (non-resident or resident) insurance license, and fines in accordance with Indiana Code 27-1-15.6-12(b)(2)(A)

WHEREFORE, the Department, by counsel, Laura A. Willett, requests that the Commissioner permanently revoke the producer licenses of the Respondent, impose a fine of ten thousand dollars (\$10,000.00) per violation, and award restitution to Doris Ferguson.

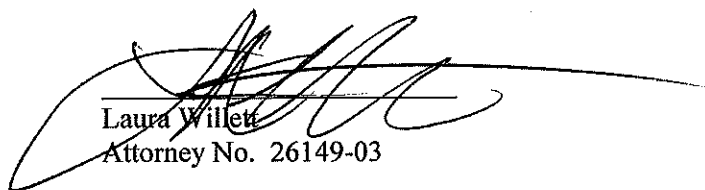
Respectfully submitted,


Laura A. Willett
Attorney No. 26149-03

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Statement of Charges has been served upon Respondents in the captioned proceeding by mailing a copy of the same by First Class U.S. Mail, postage, this 30th day of October, 2008.

Thomas Edward Swartz
30 N. Landsdowne
The Woodlands, TX 77382



Laura Willett
Attorney No. 26149-03

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317/233-4243 - telephone
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