

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 6846-AG08-0627-197

IN THE MATTER OF:)
)
Dana Polk)
 Respondent)
)
6119 Yocum St.)
Philadelphia, PA 19142)

FILED

MAY 14 2009

STATE OF INDIANA
DEPT. OF INSURANCE

Indiana Insurance License No.: 0111058

Type of Agency Action: Enforcement

FINAL ORDER

On March 17, 2009, the Administrative Law Judge, filed his Findings of Fact, Conclusions of Law and Recommended Order in the above-captioned matter.

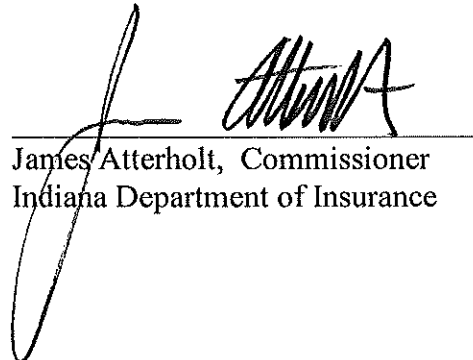
1. The Department served Findings of Fact, Conclusions of law, and Recommended Order and Notice of Filing Recommended Order on Respondent by mailing the same to her home address.
2. The Department has complied with the notice requirements of Ind. Code §4-21.5-3-17.
3. Respondent has not filed an objection 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 non-resident insurance license #0111058 is permanently revoked.
2. Respondent shall pay a fine in the amount of two thousand (\$2,000.00) dollars total for non-compliance of the Commissioner's Final Order dated August 8, 2008, payable in full within sixty (60) days after the date of the Commissioner's Final Order.

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



James Atterholt, Commissioner
Indiana Department of Insurance

Copies to:

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

Dana Polk
6119 Yocum Street
Philadelphia, PA 19142

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 6846-AG08-0627-197

IN THE MATTER OF:

Dana Polk
Respondent

6119 Yocum St.
Philadelphia, PA 19142

FILED

MAR 17 2009

Indiana Insurance License No.: 0111058

STATE OF INDIANA
DEPT. OF INSURANCE

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 Dana Polk ("Respondent"), which came to be heard on the 18th day of December, 2008 at 2:06 p.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 telephonically 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 non-resident producer license, license number 0111058.
2. Respondent was sent notification of the hearing date and time by U.S. Certified Mail #7004 1160 0000 3839 5256.
3. Respondent failed to disclose administrative actions in the states of Alabama, Massachusetts, North Carolina and Virginia. (Transcript pg. 10).
4. On July 25, 2008 the Respondent and the Department entered into an Agreed Entry.
(Exhibit A).
5. On August 8, 2008 the Commissioner signed a Final Order adopting the Agreed Entry. Respondent was to pay a fine in the amount of one thousand (\$1,000.00) dollars within ninety (90) days of the Commissioner's signature, to date the fine has not been paid.
(Exhibit B).

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.

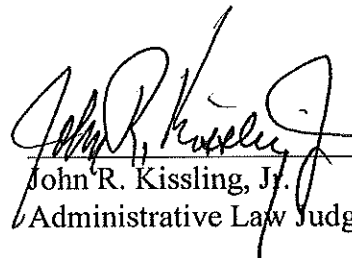
5. The Department has met its burden in showing by a preponderance of the evidence that Respondent's conduct is contrary to the Indiana Insurance Code and that disciplinary action to include revocation of Respondent's license is in order.
6. Findings of Fact that can be adopted as Conclusions of Law 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 non-resident insurance license #0111058 shall be permanently revoked.
2. Respondent shall be pay a fine in the amount of two thousand (\$2,000.00) dollars total for non-compliance of the Commissioner's Final Order dated August 8, 2008, payable in full within sixty (60) days after the date of the Commissioner's Final Order.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 17th day of March, 2009.



John R. Kissling, Jr.
Administrative Law Judge

Distribution:

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

Dana Polk
6119 Yocum Street
Philadelphia, PA 19142

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA

COMMISSIONER OF INSURANCE

CAUSE NUMBER: 6846-AG08-0627-197

IN THE MATTER OF:

Dana Polk,
Agent / Respondent

6119 Yocum St.
Philadelphia, PA. 19142

Type of Agency Action: Enforcement

Indiana Insurance License No.: 0111058

FILED

NOV 14 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 Dana Polk ("Respondent"), a non-resident insurance producer licensed in the State of Indiana:

FACTS

1. Respondent, Dana Polk, is a resident of the state of Pennsylvania, carrying a non-resident producer's license 0111058 in the state of Indiana.
2. Respondent failed to disclose administrative actions in the states of Virginia, Massachusetts, North Carolina and Alabama as required under IC 27-1-15.6-17 (a).
3. On July 25, 2008, Respondent signed an Agreed Entry proposing to resolve all issues in the above cause number.
4. On August 8, 2008, The Commissioner of the Department of Insurance (the "Commissioner") signed a Final Order adopting the Agreed Entry and ordering the Respondent

to pay an Administrative Fine in the amount of One Thousand Dollars (\$1000.00) within ninety (90) days.

5. On July 30, 2008, Respondent sent a check to the Department in the amount of one hundred fifty dollars (\$150.00). Included with that check was a note from Respondent stating "I am sending partial payment and will send the balance within 90 days of our agreement"

6. No additional check has been received.

COUNT I

7. Averments 1 through 6 are repeated as incorporated by reference herein.

8. Respondent failed to notify the Department of an administrative action taken by the state of Alabama in September, 2004.

9. This failure to notify the Department within thirty (30) days is a violation of IC 27-1-15.6-17.

COUNT II

10. Averments 1 through 9 are repeated as incorporated by reference herein.

11. Respondent failed to notify the Department of an administrative action taken by the state of North Carolina in September, 2004.

12. This failure to notify the Department within thirty (30) days is a violation of IC 27-1-15.6-17.

COUNT III

13. Averments 1 through 12 are repeated as incorporated by reference herein.

14. Respondent failed to notify the Department of an administrative action taken by the state of Massachusetts in December 2006.

15. This failure to notify the Department within thirty (30) days is a violation of IC 27-1-15.6-17.

COUNT IV

16. Averments 1 through 15 are repeated as incorporated by reference herein.

17. Respondent failed to notify the Department of an administrative action taken by the state of Virginia in November 2007.

18. This failure to notify the Department within thirty (30) days is a violation of IC 27-1-15.6-17.

COUNT V


19. Averments 1 through 18 are repeated as incorporated by reference herein.

20. On August 8, 2008, the Commissioner signed and executed a Final Order, ordering Respondent to pay one thousand dollars (\$1000.00) within ninety (90) days.

21. Respondent has not paid the full fine amount as ordered by the Commissioner and is in violation of IC 27-1-15.6-12 (b)(2)(D)..

WHEREFORE, the Department, by counsel, Nikolas P. Mann, requests that the Commissioner permanently revoke the producer license of the Respondent and impose a fine of ten thousand dollars (\$10,000.00) per violation.


Respectfully submitted,


Nikolas P. Mann
Attorney No. 26665-29

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Statement of Charges has been served upon Respondent in the captioned proceeding by mailing a copy of the same by First Class U.S. Mail, postage, this 14th day of November, 2008.

Dana Polk
6119 Yocum St.
Philadelphia, PA. 19142



Nikolas P. Mann
Attorney No. 26665-29

Indiana Department of Insurance
311 W. Washington St. Ste. 300
Indianapolis, In. 46204-2787

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STATE OF INDIANA)
) SS:
 COUNTY OF MARION)

BEFORE THE INDIANA
 COMMISSIONER OF INSURANCE

CAUSE NUMBER: 6846-AG08-0627-197

IN THE MATTER OF:

Dana Polk
 Respondent
 6119 Yocum St.
 Philadelphia, PA. 19142

License Number: 0111058

Type of Agency Action: Enforcement

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AUG 08 2008

STATE OF INDIANA
 DEPT. OF INSURANCE

FINAL ORDER AND APPROVAL

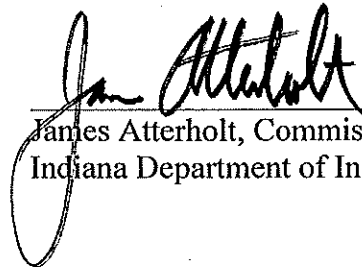
The Indiana Department of Insurance ("Department") and Dana Polk ("Respondent"), a licensed non-resident Indiana Insurance producer, signed an Agreed Entry which purports to resolve all issues involved in the action by the Department regarding Respondent's license, and which has been submitted to the 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, ADJUDGED AND DECREED by the
 Commissioner of Insurance:

1. Respondent failed to report four (4) administrative actions taken by other states, in violation of 27-1-15.6-17 (a).
2. Respondent will pay a fine of one thousand dollars (\$1000.00) within 90 days of this Final Order.

ALL OF WHICH IS ORDERED this 8 day of August, 2008.


James Atterholt, Commissioner
Indiana Department of Insurance

Distribution:

Nikolas P. Mann
INDIANA DEPARTMENT OF INSURANCE
311 West Washington Street, Suite 300
Indianapolis, Indiana 46204-2787

Dana Polk
6119 Yocum St.
Philadelphia, PA. 19142

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
CAUSE NUMBER: 6846-AG08-0627-197

IN THE MATTER OF:

Dana Polk
Respondent

6119 Yocum Street
Philadelphia, PA. 19142

License Number: 0111058

Type of Action: Enforcement

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STATE OF INDIANA
DEPT. OF INSURANCE

AGREED ENTRY

This Agreed Entry is executed by Nikolas P. Mann, Attorney for and on behalf of the State of Indiana, Department of Insurance ("Department"), and Dana Polk, a licensed non-resident insurance agent, to resolve all matters Enforcement Case 6846. This Agreed Entry is subject to the review and approval of James Atterholt, Commissioner, Indiana Department of Insurance.

WHEREAS, Respondent is a licensed insurance agent in the State of Indiana, operating under License Number 0111058, and

WHEREAS, the parties conversed prior to an administrative hearing for the purpose of negotiating a settlement of the issues in Enforcement Case 6846; and

WHEREAS, the Department and Respondent desire to resolve their differences and settle the issues without 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. Respondent voluntarily and freely waives his right to a public hearing on the issues in Enforcement Case 6846.
4. Respondent voluntarily and freely waives his right to petition for judicial review of this agreement and the Commissioner's Final Order.
5. Respondent failed to disclose administrative actions in the states of Virginia, Massachusetts, North Carolina, and Alabama as required under IC 27-1-15.6-17(a).
6. Respondent agrees to pay an Administrative Fine in the sum of One Thousand Dollars (\$1000.00). The fine is payable within ninety (90) days of the Commissioner's Final Order.
7. Respondent has carefully read and examined this agreement and fully understands its terms.
8. Respondent is aware that failure to comply with any terms of this Agreed Entry will result in the matter being set for hearing.

8/5/08

Date Signed

7/25/08
Date SignedNikolas P. Mann, Attorney
Indiana Department of Insurance
Dana Polk, Respondent

STATE OF Florida
COUNTY OF Collier

SS: 151 709003

Before me a Notary Public for Collier County, State of
Florida, personally appeared Jana Bilk and being first
duly sworn by me upon his/her oath, says that the facts alleged in the foregoing
instrument is true.

Signed and sealed this 25th day of July, 2008.

Signature

Printed

My Commission expires: Oct 7, 2009

County of Residence: Collier

