

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 8015-AG09-0316-060

Richard C. Moore,
 Producer / Respondent

3462 Sandwood Drive
South Bend, Indiana 46628

Type of Agency Action: Enforcement

Indiana Insurance License No.: 2673880

FILED

SEP 18 2009

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER AND APPROVAL


The Indiana Department of Insurance ("Department") and Richard C. Moore, ("Respondent"), 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 improperly withheld, misappropriated, and converted monies received in the course of doing insurance business.
2. Respondent was found to have committed fraud in the business of insurance.
3. Respondent used fraudulent and dishonest practices, demonstrating untrustworthiness in the conduct of business in Indiana and in Michigan.
4. Respondent's active Indiana resident producer's license, number 2673880, is Permanently Revoked.

ALL OF WHICH IS ORDERED this 18th day of September 2009.



Carol Cutter, Commissioner
Indiana Department of Insurance

Distribution:

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

Richard C. Moore
C/O Susan Manuszak
2203 Leer Street
South Bend, Indiana 46613

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 8015-AG09-0316-060

Richard C. Moore,
 Producer / Respondent

321 North M-62
Cassopolis, MI 49031

Type of Agency Action: Enforcement

FILED

SEP 18 2009

STATE OF INDIANA
DEPT. OF INSURANCE

Indiana Insurance License No.: 2673880

AGREED ENTRY

This Agreed Entry is entered into by Nikolas P. Mann, attorney for and on behalf of the State of Indiana, Department of Insurance ("Department"), and Richard C. Moore ("Respondent"), a licensed Indiana resident insurance producer holding license number 2673880, to resolve all matters under Cause Number 8015-AG09-0316-060. This Agreed Entry is subject to the review and approval of Carol Cutter, Commissioner, Indiana Department of Insurance.

WHEREAS, Respondent is a licensed resident insurance producer in Indiana, whose license was placed on emergency suspension by Order of James Atterholt, former Commissioner for the Indiana Department of Insurance, on March 17, 2009; and

WHEREAS, the Department has received sixteen (16) complaints from Indiana consumers either directly or through Ogilvie Security Advisors Corporation ("Ogilvie") that Respondent has improperly withheld, misappropriated or converted funds received in the course of his conducting business in Indiana. Consumers have produced receipts

and/or copies of checks to indicate money was received by Respondent and they were led to believe insurance coverage or new investments were secured. Ogilvie, who terminated Respondent for cause on February 23, 2009, told the Department's investigator that they have no record of receipt of payment in regards to the transactions in question or that coverage/new investments were ever provided to these consumers; and

WHEREAS, in some cases, the consumers contacted Ogilvie directly only to discover that the company had no record of their transactions with Respondent. In one instance, Respondent borrowed five thousand dollars (\$5,000.00) from a complainant who, after numerous attempts to get her money back, was paid by Respondent with her own money from one of her other accounts that Respondent had access to; and

WHEREAS, Respondent has been arrested by the Michigan State Police as a result of two like complaints from Michigan consumers forwarded to them by Ogilvie. Respondent is currently in the Cass County, Michigan jail; 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 and Respondent in this administrative action.
2. This Agreed Entry is executed voluntarily by the parties.
3. Respondent voluntarily and freely waives his rights to a public hearing and judicial review on the issues in this action.
4. Respondent's failure to remit premium payments to the insurance companies or to make the investments on behalf of his clients, as alleged herein, indicates improper withholding, misappropriating, or converting

monies or properties received in the course of doing insurance business, and is cause for disciplinary action in accordance with Indiana Code 27-1-15.6-12(b)(4).

5. Respondent's failure to procure insurance coverage/new investments for his clients, as alleged herein, is considered to be the use of fraudulent, coercive, or dishonest practices, and demonstrates incompetence and untrustworthiness in the conduct of business, and is cause for disciplinary action in accordance with Indiana Code 27-1-15.6-12(b)(8).
6. Respondent agrees to the permanent revocation of his Indiana resident insurance producer license number 2673880.
7. The Department agrees to accept Respondent's compliance with the terms of this Agreed Entry as full resolution of this matter.
8. Respondent has carefully read this agreement and fully understands and accepts its terms.

9/18/09
Date Signed


Nicholas P. Mann, Attorney
Indiana Department of Insurance

9-15-09
Date Signed


Richard C. Moore, Respondent

STATE OF MICHIGAN)
COUNTY OF CASS) SS:

Before me a Notary Public for CASS County, State of Michigan, personally appeared Richard C. Moore and being first duly sworn by me upon his oath, states that the facts alleged in the foregoing instrument are true. Signed and sealed this 15th day of September, 2009.

Donna K. Dominak
Notary Signature

DONNA K. DOMINAK
Notary Public, State of Michigan, County of Cass
My Commission Expires February 28, 2016
Notary N Acting in the County of Cass

My Commission expires: _____

County of Residence: _____

INDIANA DEPARTMENT OF INSURANCE
Enforcement Division
Suite 300
311 West Washington Street
Indianapolis, IN 46204-2787
317/234-5888 - telephone
317/234-2103 - facsimile

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 8015-AG09-0316-060

Richard C. Moore,)
)
Producer / Respondent)
License No.: 2673880)
)
3462 Sandwood Drive)
South Bend, Indiana 46628)
)
Type of Agency Action: Enforcement)

FILED

MAR 17 2009

STATE OF INDIANA
DEPT. OF INSURANCE

ORDER GRANTING EMERGENCY SUSPENSION

The Indiana Commissioner of Insurance, having reviewed the Enforcement Division's Motion for Emergency Suspension, and being otherwise duly advised, now finds as follows:

Findings of Fact

1. The Department of Insurance is authorized to regulate the practice of insurance producers in Indiana under Indiana Code 27-1-15.5-8, which was effective at all times relevant to these charges.
2. The Department may hold disciplinary hearings under Indiana Code 27-1-15.5-8.
3. Respondent currently holds property & casualty and life, accident & health qualifications in Indiana. Respondent's insurance producer license expires on November 30, 2010.

4. Respondent has improperly withheld, misappropriated or converted to his own use money belonging to others received in the course of conducting insurance and/or financial advisor business in Indiana or elsewhere.

5. Without emergency action, Respondent is free to continue selling insurance, thereby placing him in a position of trust with consumers and their funds.

Conclusions of Law

1. An emergency exists in that Respondent can continue to sell insurance and act as a financial advisor and/or fiduciary, thereby placing him in a position of trust with consumers and their premium and/or investment funds.

2. In an emergency, the Commissioner may issue appropriate orders without notice or an evidentiary proceeding under Indiana Code 4-21.5-4-2(a) which states in relevant part:

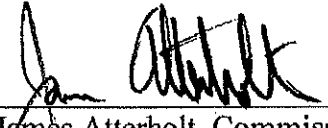
The agency shall issue the order under this chapter by one (1) of the following procedures:

(1) Without notice or an evidentiary proceeding, by any authorized individual or panel of individuals.

ORDER

It is, therefore, ORDERED, that the Indiana insurance producer license of Richard C. Moore is hereby SUSPENDED pursuant to Indiana Code 4-21.5-4-2 for ninety (90) days commencing on the date this order is issued.

Respondent is hereby notified of his right to a hearing concerning this order as quickly as practicable under Indiana Code 4-21.5-4-4.


James Atterholt, Commissioner
Indiana Department of Insurance

Distribution to:

Richard C. Moore
3462 Sandwood Drive
South Bend, Indiana 46628

Nikolas P. Mann, Attorney
Enforcement Division
Indiana Department of Insurance
311 W. Washington St.
Indianapolis, IN 46402
