

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 9006-AG10-0104-012

IN THE MATTER OF:

John Passaro )  
Agent / Respondent )

90 Broad St. 19<sup>th</sup> Floor )  
New York, NY 10004 )

Type of Agency Action: Enforcement )

Indiana Insurance License No.:555482 )

FILED

MAR 06 2010

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER AND APPROVAL**

The Indiana Department of Insurance (“Department”) and John Passaro (“Respondent”), a licensed 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. (See Exhibit ‘A’ attached hereto)

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:

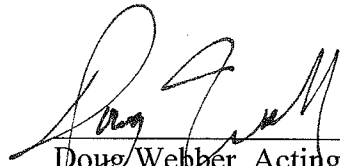
1. Respondent agrees to pay an administrative fine in the amount of one thousand dollars (\$1,000.00), payable by five (5) monthly installments of two hundred dollars (\$200.00). Payments will begin sixty (60) days after the Commission files the Final Order in this matter..

2. Respondent, if Respondent has not already done so, shall file a semi-annual tax report for January through June 2009 within ten (10) days from the date this Final Order is filed.

3. Respondent shall be on probation for a period of one (1) year during which time, and at all times in the future, Respondent shall comply with Indiana Insurance Law including Indiana Code 27-1-15.8-4(c).

4. The Department shall accept Respondent's compliance with the terms of this Final Order as full resolution of this matter.

ALL OF WHICH IS ORDERED this 5<sup>th</sup> day of March, 2010.

  
\_\_\_\_\_  
Doug Webber, Acting Commissioner  
Indiana Department of Insurance

Distribution:

Laura Levenhagen  
**INDIANA DEPARTMENT OF INSURANCE**  
311 West Washington Street, Suite 300  
Indianapolis, Indiana 46204-2787

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**FILED**

MAR 05 2010

STATE OF INDIANA  
DEPT. OF INSURANCE

AGREED ENTRY

This Agreed Entry is entered into by Laura A. W. Levenhagen, attorney for and on behalf of the State of Indiana, Department of Insurance ("Department"), and John Passaro ("Respondent"), a licensed Indiana non-resident insurance producer holding license number - 555482, to resolve all matters in the above referenced administrative action. This Agreed Entry is subject to the review and approval of The Commissioner for the Indiana Department of Insurance.

WHEREAS, Respondent is a licensed non-resident insurance producer holding license number 555482.

WHEREAS, Respondent has been qualified as a surplus lines producer in accordance with and as defined under Indiana Code Section 27-1-15.8 *et seq* and is therefore bound by all requirements and restrictions contained therein.

**EXHIBIT**

A

WHEREAS, pursuant to Indiana Code 27-1-15.8-4(c) Respondent was required to file a semi-annual tax report for January through June 2009 on or before August 1, 2009.

WHEREAS, Respondent failed to file the above referenced tax report by the specified deadline in violation of Indiana Code 27-1-15.8-4(c).

WHEREAS, the Department and Respondent desire to resolve their differences and settle the issues 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 Respondent in this administrative action.
2. This Agreed Entry is executed voluntarily by the parties. Respondent voluntarily and freely waives the right to a public hearing on this matter.
3. Respondent voluntarily and freely waives the right to petition for judicial review of this agreement and the Commissioner's Final Order.
4. Respondent agrees to pay an administrative fine in the amount of one thousand dollars (\$1,000.00), payable by five (5) monthly installments of two hundred dollars (\$200.00). Payments will begin sixty (60) days after the Commission files the Final Order in this matter.
5. Respondent agrees, if Respondent has not already done so, to file a semi-annual tax report for January through June 2009 within ten (10) days from the date the Commission files the Final Order in this matter.
6. Respondent agrees to a probationary period of one (1) year during which time, and at all times in the future, Respondent shall comply with Indiana Insurance Law including Indiana Code 27-1-15.8-4(c).

7. The Department agrees to accept Respondent's compliance with the terms of this Agreed Entry as full resolution of this matter.

8. Respondent is aware that his failure to comply with any terms of this agreement will result in the matter being set for hearing.

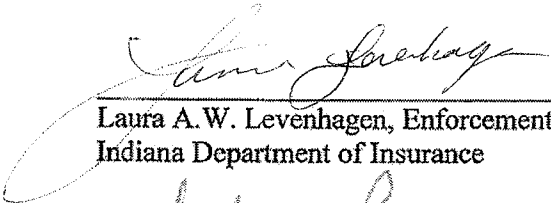
9. Respondent has carefully read this agreement and fully understands and accepts its terms.


3-4-10

Date Signed

3/3/10

Date Signed

  
\_\_\_\_\_  
Laura A. W. Levenhagen, Enforcement Attorney  
Indiana Department of Insurance

  
\_\_\_\_\_  
John Passaro, Respondent

STATE OF New York )  
 ) SS:  
COUNTY OF New York )

Before me a Notary Public for New York County, State of New York personally appeared John Passaro 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 3<sup>rd</sup> day of March 2010.

Denise Roque  
Notary Signature

DENISE ROQUE  
Notary Public, State of New York  
No. 01RO8054759  
Qualified in Queens County  
Certificate Filed in New York County  
Commission Expires 4/24/2011

Denise Roque Notary  
Name Printed

My Commission expires: 4/24/2011

County of Residence: Queens

**Return original NOTARIZED document to:**

INDIANA DEPARTMENT OF INSURANCE  
Enforcement Division  
Suite 300  
311 West Washington Street  
Indianapolis, IN 46204-2787  
317/233-4243 - telephone  
317/232-5251 - facsimile