

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 9693-AG10-0920-144

IN THE MATTER OF:

Richard Schwartz )  
Agent / Respondent )  
 )  
3044 Kennington Way )  
Kokomo, Indiana 46902 )  
 )  
Type of Agency Action: Enforcement )  
 )  
Indiana Insurance License No.: 1092930 )

**FILED**

NOV 19 2010

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER AND APPROVAL**

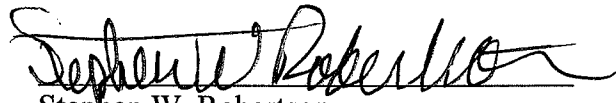
The Indiana Department of Insurance (“Department”) and Richard Schwartz (“Respondent”), a licensed resident Indiana Insurance Producer, signed an Agreed Entry which purports to resolve all issues involved in the above captioned action, and which has been submitted to the Acting Commissioner of Insurance (the “Commissioner”) for approval. (See Exhibit ‘A’ attached hereto)

The Acting 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 Acting 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 Acting Commissioner of Insurance:

1. Respondent shall pay a two thousand dollar (\$2,000.00) civil penalty to the Indiana Department of Insurance within thirty (30) day from the date this order is filed.

ALL OF WHICH IS ORDERED this 19<sup>th</sup> day of November 2010.



Stephen W. Robertson

Commissioner

Indiana Department of Insurance

Distribution:

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

Richard Schwartz  
3044 Kennington Way  
Kokomo, Indiana 46902

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 9693-AG10-0920-144

IN THE MATTER OF:

Richard Schwartz )  
Agent / Respondent )

3044 Kennington Way )  
Kokomo, Indiana 46902 )

Type of Agency Action: Enforcement )

Indiana Insurance License No.: 1092930 )

**FILED**

NOV 19 2010

STATE OF INDIANA  
DEPT. OF INSURANCE

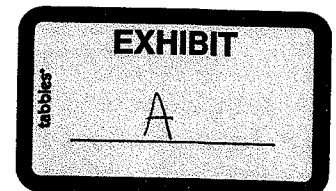
**AGREED ENTRY**

This Agreed Entry is executed between the State of Indiana, Department of Insurance (“Department”) through Counsel Laura A. W. Levenhagen, and Richard Schwartz (hereafter “Respondent”), a licensed resident insurance agent. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Executive Director and Acting Commissioner, Indiana Department of Insurance.

WHEREAS, Respondent is a licensed resident insurance producer in Indiana, holding license number 1092930.

WHEREFORE, on September 12, 2009 Indiana resident Rozella Quinlan (hereafter “Quinlan”) sent respondent a check for three thousand dollars (\$3000.00) for payment of premium on a Conseco Life Insurance Company (hereafter “Conseco”) life insurance policy purchased by her through Respondent;

WHEREAS, for Quinlan’s policy not to lapse, Respondent would have had to remit Quinlan’s payment to Conseco by no later than September 17, 2009;



WHEREAS, Respondent received Quinlan's payment in sufficient time to remit timely payment to Consecos, but failed to do so;

WHEREAS, Quinlan's Consecos life insurance policy lapsed on September 17, 2009 due to non-payment of premium;

WHEREAS, Respondent did not remit Quinlan's payment to Consecos until October 19, 2009;

WHEREAS, Consecos has agreed to reinstate the policy at issue.

IT IS THEREFORE, NOW AGREED by and between the parties as follows:

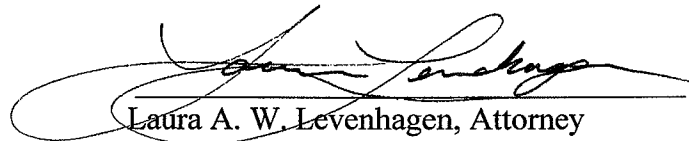
1. The Commissioner has jurisdiction over the subject matter of, and the parties to, this Agreed Entry.
2. This Agreed Entry is executed voluntarily by the parties without the presence of any duress, coercion, or undue influence.
3. Respondent voluntarily and freely waives his right to a public hearing on the issues in the above captioned matter.
4. Respondent voluntarily and freely waives his right to petition for judicial review of this agreement and the Commissioner's Final Order.
5. Respondent agrees to pay a two thousand dollar (\$2,000.00) civil penalty, which shall be payable within thirty (30) days from the date the Commissioner files a Final Order in the above captioned matter.
6. The Department agrees to accept Respondent's compliance with the terms of this agreement as full resolution of this matter.
7. Respondent has carefully read and examined this agreement and fully understands its terms.
8. Respondent is aware that failure to comply with any term of this agreement will

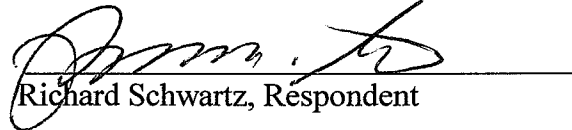
result in the matter being set for hearing.

9. Respondent understands that this agreement will result in a state action against his Indiana resident producer license, and Respondent may be required to report that action to other states where he holds professional licenses.

11-16-10  
Date Signed

11-10-10  
Date Signed

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

  
\_\_\_\_\_  
Richard Schwartz, Respondent

STATE OF Indiana )  
 ) SS:  
COUNTY OF Howard )

Before me a Notary Public for Howard County, State of Indiana, personally appeared **Richard Schwartz** 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 10<sup>th</sup> day of November, 2010.

Matthew G. Kodrea  
Notary Signature

Matthew G. Kodrea  
Notary Name Printed

My Commission expires: 04/06/2014

County of Residence: Howard

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