

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 10261-AG11-0414-074

IN THE MATTER OF:

Marvin E. McDougal )  
Agent / Respondent )

P.O. Box 7095 )  
Stockton, CA 95267 )

Type of Agency Action: Enforcement )

Indiana Insurance License No.: 459789 )

**FILED**

MAY 17 2011

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER AND APPROVAL**

The Indiana Department of Insurance (“Department”) and Marvin E. McDougal (“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. (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 shall pay an administrative fine in the amount of five hundred dollars (\$500.00), payable within sixty (60) days from the date this Final Order is filed.

2. Respondent, if Respondent has not already done so, shall file a semi-annual tax report for July through December 2010 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 17<sup>th</sup> day of May, 2011.



Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

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

Marvin E, McDougal  
Automotive Risk Management & Ins. Services  
P.O. Box 7095  
Stockton, CA 95267

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STATE OF INDIANA  
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AGREED ENTRY

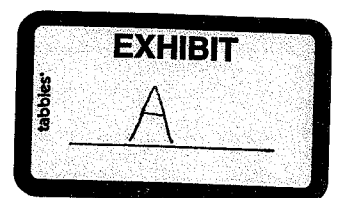
This Agreed Entry is entered into by Laura A. W. Levenhagen, attorney for and on behalf of the State of Indiana, Department of Insurance ("Department"), and Marvin E. McDougal ("Respondent"), a licensed Indiana non-resident insurance producer holding license number 459789, to resolve all matters in the 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 459789.

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.

WHEREAS, pursuant to Indiana Code 27-1-15.8-4(c) Respondent was required to file a semi-annual tax report for July through December 2010 on or before February, 2, 2011.

WHEREAS, Respondent failed to file the above referenced tax report with the correct information 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 five hundred dollars (\$500.00), payable within sixty (60) days from the date 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 July through December 2010 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 agreement herein as full satisfaction of this matter.
8. Respondent has carefully read and examined this agreement and fully understands its terms.
9. Respondent has entered into this agreement freely, and has not been subject to duress, threat or undue influence.

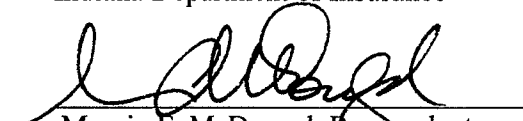
10. Should this Agreed Entry not be accepted by the Commissioner, it is agreed that presentation to and consideration of this Agreed Entry by the Commissioner shall not unfairly or illegally prejudice the Commissioner from further participation in or resolution of these proceedings.

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

3-8-11  
Date Signed

4/27/11  
Date Signed

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

  
\_\_\_\_\_  
Marvin E. McDougal, Respondent

STATE OF \_\_\_\_\_ )  
 ) SS:  
COUNTY OF \_\_\_\_\_ )

Before me a Notary Public for \_\_\_\_\_ County, State of \_\_\_\_\_, personally appeared Marvin E. McDougal 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 \_\_\_\_ day of \_\_\_\_\_ 2011.

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Notary Name Printed

My Commission expires: \_\_\_\_\_  
County of Residence: \_\_\_\_\_

**State of California County of**  
SAN JOAQUIN  
**Subscribed and sworn to (or affirmed)**  
**before me on this 27<sup>th</sup> day of APRIL, 2011, by**  
MARVIN E. McDOUGAL  
**proved to me on the basis of satisfactory evidence**  
**to be the person(s) who appeared before me.**

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

Signature W. Whitby

(Seal)

