

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 9723-AG11-0401-048

Robert John Postma,)
Agent / Respondent)

3379 Fishinger Mill Drive)
Hilliard, OH 43026)

Type of Agency Action: Enforcement)

Indiana Insurance License No.: 705364

FILED
MAY 09 2011
STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

The Indiana Department of Insurance (“Department”) and Robert John Postma, (“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.

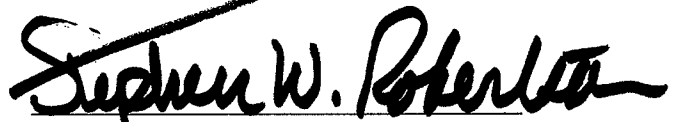
The Commissioner, after reviewing the Agreed Entry, finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between the parties. The Commissioner hereby incorporates the Agreed Entry as if fully set forth herein, and approves and adopts in full the Agreed Entry as a resolution of this matter.

IT IS THEREFORE ORDERED, by the Commissioner of Insurance:

1. Respondent violated an insurance law.
2. Respondent used fraudulent and dishonest practices, demonstrating untrustworthiness in the conduct of business in Indiana or elsewhere.

3. Respondent failed to report to the commissioner an administrative action taken against him in another jurisdiction not more than thirty (30) days after the final disposition of the matter.
4. Respondent failed to furnish the Commissioner with a full and complete report listing each insurer with which the Respondent has held an appointment during the year preceding a request, within ten (10) days after Respondent received a request in a certified letter from the Commissioner.
5. Respondent's Indiana non-resident producer license number 705364, is Permanently Revoked.

ALL OF WHICH IS ORDERED this 9th day of May 2011.



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Nikolas P. Mann
INDIANA DEPARTMENT OF INSURANCE
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204-2787

Robert John Postma
3379 Fishinger Mill Drive
Hilliard, OH 43026

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BEFORE THE INDIANA
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STATE OF INDIANA
DEPT. OF INSURANCE

Indiana Insurance License No.: 705364

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 Robert John Postma (“Respondent”), a licensed Indiana non-resident insurance producer holding license number 705364, to resolve all matters under Cause Number 9723-AG11-0401-048. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Commissioner, Indiana Department of Insurance.

WHEREAS, Respondent is a licensed non-resident insurance producer in the State of Indiana; and

WHEREAS, on September 14, 2010, Respondent’s notice of resignation was received by the Department from Scott W. Weinstein, the Compliance Vice President for New York Life Insurance Company (“New York Life”), stating that Respondent voluntarily resigned while under investigation by the Financial Industry Regulatory Authority (“FINRA”); and

WHEREAS, on or about October 26, 2010, FINRA resolved their issues with Respondent. Initially, FINRA staff notified Respondent that it had made a preliminary determination to recommend that disciplinary action be brought against Respondent for falsifying two (2) documents necessary to open an investment advisory account on August 20, 2009, for a customer of the Huntington Investment Company. This activity allegedly took place while Respondent was associated with the Huntington Investment Company and in no way related to New York Life or any of its affiliates or clients; and

WHEREAS, on December 1, 2010, Department Investigator Mike Herndon conducted an on-line search through FINRA's BrokerCheck system. The response alleged that Respondent signed the name of another registered representative to an investment application, agreement, an investor profile questionnaire, and disclosures that had been signed by a customer to open an account because the representative was not in the office. Respondent submitted the documents to his member firm's affiliate, without the representative's knowledge or consent. Without admitting or denying the findings, Respondent consented to the FINRA sanctions and to the entry of findings; therefore, he was fined five thousand dollars (\$5,000.00) and was suspended from association with any FINRA member firm in any capacity for one month. The suspension was in effect from November 1, 2010 through November 30, 2010; and

WHEREAS, on January 20, 2011, Department Investigator Mike Herndon reviewed the Department's records and determined that Respondent had not reported FINRA's action to the Department; and

WHEREAS, on February 2, 2011, the Department sent a certified letter to Respondent, notifying him that the Department had been made aware of FINRA's administrative action. The letter informed Respondent that a two hundred fifty dollar

(\$250.00) fine had been assessed against him, and that the fine was payable to the State of Indiana, within ten (10) days of receipt of the letter. The letter also instructed Respondent to submit a list of the companies that he held appointments with in Indiana during the past twelve (12) months. Respondent was informed that failure to submit the list of appointments within ten (10) days would result in the suspension of his license; and

WHEREAS, on or about February 4, 2011, the U.S. Postal Service delivered the Department's certified letter to Respondent's residence; and

WHEREAS, on February 25, 2011, Department Investigator Mike Herndon contacted Respondent by telephone because he had not responded, had not furnished the Commissioner with a full and complete report listing each insurer with which the licensee has held an appointment during the year preceding the request, nor paid the assessed fine. Respondent stated that he wanted some time to consider his options. On March 31, 2011, Respondent was contacted again by telephone because he had not telephoned or written the Department to resolve the matter. At that time, Respondent's options were again discussed and he stated that he wished to sign an Agreed Entry. Respondent understood and acknowledged that his decision would result in the permanent revocation of his non-resident producer license; 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 right to a public hearing on the issues in this action.
4. Respondent used fraudulent and dishonest practices, demonstrating untrustworthiness in the conduct of business in Indiana or elsewhere.
5. Respondent failed to report to the Commissioner an administrative action taken against him in another jurisdiction not more than thirty (30) days after the final disposition of the matter.
6. Respondent failed to furnish the Commissioner with a full and complete report listing each insurer with which the Respondent has held an appointment during the year preceding a request, within ten (10) days after Respondent received a request in a certified letter from the Commissioner.
7. The Department agrees to accept Respondent's compliance with the terms of this Agreed Entry as full resolution of this matter.
8. 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.
9. Respondent has carefully read this agreement and fully understands and accepts its terms.

4/29/11
Date Signed

Nikolas P. Mann
Nikolas P. Mann, Attorney
Indiana Department of Insurance

4/25/11
Date Signed

Robert John Postma
Robert John Postma, Respondent

STATE OF OHIO)
) SS:
COUNTY OF Franklin)

Before me a Notary Public for Franklin County, State of Ohio,
personally appeared Robert John Postma 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
25 day of April, 2011.

Eric S. Keener
Notary Signature

Eric S Keener
Notary Name Printed

My Commission expires: March 25, 2015

County of Residence: Franklin

INDIANA DEPARTMENT OF INSURANCE
Enforcement Division
311 West Washington Street, Suite 103
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317/234-5888 - telephone
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