

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 9930-AG11-0328-045

IN THE MATTER OF: )  
 )  
Barry John Barbier, )  
 )  
Respondent, )  
 )  
1500 Glastonbury Drive )  
Plano, TX 75075 )  
 )  
License Number 65293 )  
 )  
Type of Agency Action: Enforcement )

**FILED**  
APR 15 2011  
STATE OF INDIANA  
DEPT. OF INSURANCE

**ADMINISTRATIVE ORDER**  
**NOTICE OF NONRENEWAL OF LICENSE**

The Indiana Department of Insurance, pursuant to the Indiana Administrative Orders and Procedures Act, Indiana Code 4-21.5-1 et seq. and the Indiana Insurance Producers Act, Indiana Code 27-1-15.6-12, hereby gives notice to Barry John Barbier ("Respondent") of the following Administrative Order:

1. Indiana Code 27-1-15.6-12(b) provides that "The commissioner may levy a civil penalty, place an insurance producer on probation, suspend an insurance producer's license, revoke and insurance producer's license for a period of years, permanently revoke an insurance producer's license, or refuse to issue or renew an insurance producer license, or take any combination of these actions ..."

2. Indiana Code 27-1-15.6-12(d) provides that when the Commissioner refuses to renew a license, the Commissioner shall notify the Respondent, in writing, of the reasons for the nonrenewal.

3. Respondent's Texas resident insurance producer license is active and expires on May 5, 2011. However, on March 15, 2011, Angela Herron Robinson, an Investigator with the Texas Department of Insurance, stated that Respondent has no appointments with any insurance companies.

4. Respondent holds Indiana non-resident insurance producer license number 652923, which expires on June 30, 2011

5. On or about November 24, 2010, a formal notice of contract cancellation was received by the Department from R. Bret Melton, the Agent Licensing Manager for Aegon/Stonebridge Life Insurance Company, stating that Respondent had been terminated for cause. In the letter, Mr. Melton stated that Respondent's manager reviewed a call between the Respondent and a customer. The customer had requested cancellation of the insurance policy. Instead of cancelling the policy, Respondent coded the call as "retained" and changed the billing to direct bill of the customer's credit card. This falsely inflated Respondent's performance verses goals which results in monetary gain to Respondent. Upon further review of Respondent's phone interaction with customers, it was discovered that Respondent had been, for some time, falsely documenting callers as "Child/Relative" even though the persons insured were the people he was speaking with on the call. This was a falsification of an insurance transaction and also falsely inflated Respondent's performance verses goals.

6. On or about December 29, 2010, the Department received additional information from Mr. Melton, which included a transcribed/recorded statement from Respondent. In the statement, Respondent expressed concern about his team being a low performing team so he continued to "cheat" to help the team and make money.

7. Respondent intentionally misrepresented the terms of an actual or proposed insurance contract or application for insurance.

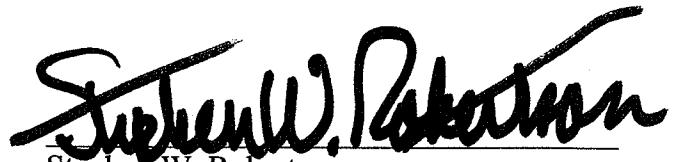
8. Respondent used fraudulent and dishonest practices, demonstrating incompetence, untrustworthiness, and financial irresponsibility in the conduct of business in Indiana or elsewhere.

9. Respondent's conduct, alleged herein, is cause for disciplinary action in accordance with Indiana Code §§27-1-15.6-12(b)(5) and 27-1-15.6-12(b)(8).

WHEREFORE, based on the foregoing, the Commissioner of Insurance hereby notifies Respondent that **Respondent's license shall not be renewed.**

WHEREFORE, the Commissioner further notifies Respondent that pursuant to Indiana Code 27-1-15.6-12(d), within sixty (60) days of receiving this Notice, Respondent may make a written demand upon the Commissioner for a hearing to determine the reasonableness of this action. Such a hearing shall be held within thirty (30) days from the date of receipt of Respondent's written demand.

4-15-11  
Date Signed

  
Stephen W. Robertson  
Commissioner  
Indiana Department of Insurance

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