

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 10214-AG11-0509-083

IN THE MATTER OF:

John Raymond Barclay)
Respondent)

1499 Macintosh Court)
Avon, IN 46123)

Type of Agency Action: Enforcement)

Indiana Resident Producer License No. 568066)

FILED

JUL 15 2011

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

The Indiana Department of Insurance (“Department”) and John Raymond Barclay, (“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 failed to timely inform the Commissioner of a change of address.
2. Respondent failed to report to the Commissioner administrative actions taken against him in other jurisdictions within thirty (30) days after the final disposition of the matters.

3. Respondent failed to report to the Commissioner criminal prosecutions within thirty (30) days of the initial pretrial dates.
4. Respondent's Indiana resident producer license, number 568066, is Permanently Revoked.

ALL OF WHICH IS ORDERED this 15th day of July 2011.


Stephen W. Robertson,
Commissioner
Indiana Department of Insurance

Distribution:

Nikolas P. Mann
INDIANA DEPARTMENT OF INSURANCE
311 West Washington Street, Suite 300
Indianapolis, Indiana 46204-2787

John Raymond Barclay
1499 Macintosh Court
Avon, IN 46123

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 10214-AG11-0509-083

IN THE MATTER OF:

John Raymond Barclay
1499 Macintosh Court
Avon, IN 46123

Respondent

Type of Agency Action: Enforcement

Indiana Resident Producer License No. 568066

FILED

JUL 15 2011

STATE OF INDIANA
DEPT. OF INSURANCE

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 John Raymond Barclay (“Respondent”), a licensed Indiana resident insurance producer holding license number 568066, to resolve all matters under Cause Number 10214-AG11-0509-083. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Commissioner, Indiana Department of Insurance.

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

WHEREAS, on January 28, 2011, Respondent had an initial pretrial hearing in Marion County, Indiana, Court Number 13, Cause Number 49-F13-0308-CM-123917, in regards to the criminal charge of Driving While License Suspended, a Class A Misdemeanor; and

WHEREAS, on February 4, 2011, Respondent had an initial pretrial hearing in Marion County, Indiana, Court Number 11, Cause Number 49-F19-1101-CM-005515, in regards to the criminal charge of Refusal to Identify, a Class C Misdemeanor; and

WHEREAS, Respondent failed to report to the Commissioner the criminal prosecutions initiated in the Marion County (Indiana) Courts within thirty (30) days after the initial pretrial hearing dates; and

WHEREAS, on March 8, 2011, the State of Indiana Office of the Secretary of State Securities Division ("Securities Division") filed a Findings of Fact, Conclusions of Law, Judgment and Final Order in the Matter of John Barclay. Earlier the Division had filed a Notice of Default in reference to Respondent for failure to file an answer, as ordered, to their Administrative Complaint within the fifteen (15) day time allotted by 710 Ind. Admin. Code 1-19-5(b) (2009). The Administrative Complaint alleged that Respondent, acting as an employee of Accufund, originated five (5) loans for Indiana residents. Respondent was not registered with Accufund as a loan originator in Indiana; and

WHEREAS, on April 11, 2011, Respondent's Indiana producer license was reviewed and it was noted that Respondent had failed to report to the Commissioner the Securities Division's administrative action within the required thirty (30) days after the final disposition of the matter; and

WHEREAS, on May 5, 2011, Department Investigator Mike Herndon conducted research through the National Association of Insurance Commissioners (NAIC) and found that the states of Arizona, Connecticut, and Delaware had taken action against Respondent by non-renewing his non-resident producer licenses in the month of April, 2011. California also suspended Respondent's non-resident producer license in April, 2011 for not complying with their education requirements; and

WHEREAS, Respondent failed to report to the Commissioner the administrative actions taken against the producer in other jurisdictions within thirty (30) days after the final dispositions of those matters; and

WHEREAS, on May 6, 2011, Respondent was contacted by telephone by Department Investigator Mike Herndon in an attempt to locate him and Respondent stated that he had lived at 1499 Macintosh Court, Avon, Indiana "for awhile." Respondent's Indiana producer license was reviewed and it was noted that Respondent's mailing address was listed as 2563 Liatris Drive, Plainfield, Indiana 46168. An Accurint Public Information Search documented that Respondent's Avon address was established in approximately October 2010; and

WHEREAS, Respondent failed to inform the Commissioner of a change of address within thirty (30) days after the change, by a means acceptable to the Commissioner; 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 failed to report to the Commissioner his criminal prosecutions within thirty (30) days of his initial pretrial dates of January 28, 2011 and February 4, 2011.
5. Respondent failed to report to the Commissioner the action taken by the Indiana Securities Division, Arizona, Connecticut, Delaware and California, within the required thirty (30) days after the final disposition of the matters.
6. Respondent failed to inform the Commissioner of a change of address not more than thirty (30) days after the change, by a means acceptable to the Commissioner.

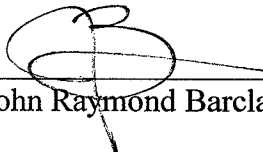
7. Respondent agrees to the permanent revocation of his Indiana resident insurance producer license number 568066.
8. The Department agrees to accept Respondent's compliance with the terms of this Agreed Entry as full resolution of this matter.
9. Should this Agreed Entry not be accepted by the Commissioner, 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.
10. Respondent has carefully read this agreement and fully understands and accepts its terms.

7/14/11
Date Signed



Nikolas P. Mann, Attorney
Indiana Department of Insurance

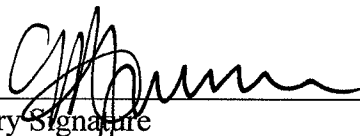
7-12-11
Date Signed



John Raymond Barclay, Respondent

STATE OF INDIANA)
) SS:
COUNTY OF Marion)

Before me a Notary Public for Marion County, State of Indiana, personally appeared John Raymond Barclay 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 12th day of July 2011.



Notary Signature

MELISSA TURNER

Notary Name Printed

My Commission expires: 4/29/2012 COMM# 532623

County of Residence: Marion

INDIANA DEPARTMENT OF INSURANCE
Enforcement Division
311 West Washington Street, Suite 300
Indianapolis, IN 46204-2787
317/234-5888 - telephone
317/234-2103 - facsimile