

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 10293-AG11-0630-090

James E. Parker,)
Agent / Respondent)
)
216 W. Main Street)
Newburgh, Indiana 47603)
)
Type of Agency Action: Enforcement)
)
)

Indiana Insurance License No.: 2097370

FINAL ORDER AND APPROVAL

The Indiana Department of Insurance (“Department”) and James E. Parker, (“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 intentionally misrepresented the terms of an actual or proposed insurance contract or application for insurance.
2. Respondent used dishonest practices in the conduct of business in Indiana or elsewhere.
3. Respondent agrees to pay a civil penalty in the amount of two thousand dollars (\$2,000.00), payable by cashiers check or money order to the Indiana Department of Insurance within ninety (90) days from the date of the signing of the Commissioner's Final Order.

ALL OF WHICH IS ORDERED this _____ day of _____ 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

James E. Parker
216 W. Main Street
Newburgh, Indiana 47603

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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 James E. Parker ("Respondent"), a licensed Indiana resident insurance producer holding license number 2097370, to resolve all matters under Cause Number 10293-AG11-0630-090.

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 or about May 2, 2011, a copy of an e-mail message was received by the Department from Gay Robinson, a Contract Specialist with National Western Life Insurance Company ("NWL"). The e-mail message from Donna Richardson, also with

NWL, to Gay Robinson stated: "Please terminate agent #81323 for cause for violating his NWL contract and for violating insurance regulations of Indiana and Kentucky." The message also stated that Respondent provided false information on policy applications concerning the city and state where the solicitation of the policy applications occurred; and

WHEREAS, on or about May 24, 2011, a copy of an e-mail message was received by the Department from Frank Cias, Counsel for NWL. Attached to the e-mail message was a copy of a letter from Respondent's seventy four (74) year old sister, Marie M. Granger, to NWL. The letter was a request for relief. Ms. Granger stated that in early 2004 she had purchased three NWL annuities from Respondent and that the three applications for the annuities were signed in Sandy, Utah. Respondent was not licensed as a producer in the State of Utah at that time. Also attached to the e-mail message were copies of the annuity applications. Two of the applications submitted by Respondent indicated, in writing, that they were signed in Henderson, Kentucky. The third application submitted by Respondent indicated, in writing, that it was signed in Newburgh, Indiana. Ms. Granger also complained that the fifteen (15) year length of contracts and high surrender charges were not disclosed; 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 intentionally misrepresented the terms of an actual or proposed insurance contract or application for insurance.
5. Respondent used dishonest practices in the conduct of business in Indiana or elsewhere.
6. Respondent admits that one of the three annuity applications, which had "signed in Newburgh, Indiana" on it, was in his handwriting. Respondent denies that he wrote the other two applications that were "signed in Henderson, Kentucky".
7. Respondent agrees to payment of a civil penalty in the amount of two thousand dollars (\$2,000.00), payable by cashier's check or money order to the Indiana Department of Insurance within ninety (90) days from the date the Commissioner's Final Order is filed.
8. The Department agrees to accept Respondent's compliance with the terms of this Agreed Entry as full resolution of this matter.
9. Respondent is aware that his failure to comply with any of the terms of this agreement will result in the matter being set for hearing and may result in the permanent revocation of his Indiana insurance producer license and/or additional penalties.
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.

INDIANA DEPARTMENT OF INSURANCE
Enforcement Division
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