

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 10594-AG11-0926-129

IN THE MATTER OF:)

James Keith Umfleet,)

Respondent,)

246 N. 500 S., Lot 156)
Marion, Indiana 46952)

License Number 601332)

Type of Agency Action: Enforcement)

FILED

SEP 28 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 James Keith Umfleet (“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 Indiana resident insurance producer license number 601332 expired on June 30, 2010 when Respondent failed to renew.

4. On or about August 29, 2011, the Department received information from Raul A. Mayoral, an Investigator with AFLAC Insurance Company ("AFLAC"). This investigator from the Special Investigations Unit, stated that Respondent established two (2) group accounts which could not be verified as legitimate businesses. Further, Respondent placed numerous individuals on the accounts and submitted applications in their name for AFLAC coverage. Investigator Mayoral interviewed the listed owner of the group, Carl's Hauling and Lawn Care, Carl Holliday. Mr. Holliday stated that he does some lawn care on the side but does not run a business and does not employ anyone. Mr. Holliday said that Respondent approached him while he was at home and he agreed to have himself, his wife, and his son issued policies, but understood that it would be one policy per person. Mr. Holliday went on to say that he had no idea who any of the other policyholders listed on the invoice were. Respondent initiated the second group account under the name Umfleet's MSI LLC, and listed several of his family members as employees. AFLAC terminated Respondent for cause.

5. On or about August 31, 2011, the Department received information from the Indiana Department of Revenue that Respondent had an outstanding tax liability that is in a warrant stage. Respondent owes the State of Indiana one hundred eleven dollars and eleven cents (\$111.11).

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

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


8. Respondent failed to pay state income tax.

9. Respondent's conduct, alleged herein, is cause for disciplinary action in accordance with Indiana Code 27-1-15.6-12(b)(5), 27-1-15.6-12(b)(8), and 27-1-15.6-12(b)(14).

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.

9/28/11
Date Signed


Stephen W. Robertson
Commissioner
Indiana Department of Insurance

Distributed To:

Nick Mann
Indiana Department of Insurance
311 West Washington Street, Suite 103
Indianapolis, IN 46204

James Keith Umfleet
246 N. 500 E., Lot 156
Marion, Indiana 46952

Indiana Department of Insurance
Enforcement Division
311 West Washington Street, Suite 103
Indianapolis, IN 46204
Telephone – (317) 234-5888
Fax – (317) 234-2103