

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA

COMMISSIONER OF INSURANCE

CAUSE NUMBER: 10881-AG12-0104-002

Kimberly S. Martin, )  
Agent / Respondent )  
 )  
1145 S. Main Street )  
New Castle, Indiana 47362 )  
 )  
Type of Agency Action: Enforcement )  
 )  
 )

**FILED**

JAN 23 2012

STATE OF INDIANA  
DEPT. OF INSURANCE

Indiana Insurance License No.: 624234

**FINAL ORDER AND APPROVAL**

The Indiana Department of Insurance (“Department”) and Kimberly S. Martin, (“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 improperly withheld and misappropriated monies received in the course of doing insurance business.

2. Respondent used dishonest practices and demonstrated untrustworthiness in the conduct of business in Indiana.
3. Respondent's Indiana resident producer's license, number 624234, is Permanently Revoked.

ALL OF WHICH IS ORDERED this 23 day of January, 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

Kimberly S. Martin  
1145 S. Main Street  
New Castle, Indiana 47362

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STATE OF INDIANA  
DEPT. OF INSURANCE

Indiana Insurance License No.: 624234

**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 Kimberly S. Martin (“Respondent”), a licensed Indiana resident insurance producer holding license number 624234, to resolve all matters under Cause Number 10881-AG12-0104-002. 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 December 21, 2011, a letter of complaint was received by the Department from David Wondercheck, an Audit Consultant with State Farm Insurance Company, stating that they had discovered that Respondent had misappropriated approximately \$9,000 in policyholder premium funds since February 2011; and

WHEREAS, on December 6, 2011, Respondent admitted to State Farm Internal Auditing Department personnel that she had misappropriated policyholder premium

payments from their Premium Fund Account bank deposits which Respondent took to the bank regularly. Respondent had, on an earlier occasion, admitted to her supervisor that she had misappropriated the policyholder premium money; 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 her right to a public hearing on the issues in this action.
4. Respondent improperly withheld and misappropriated monies received in the course of doing insurance business.
5. Respondent used dishonest practices and untrustworthiness in the conduct of business in Indiana.
6. Respondent agrees to the permanent revocation of her Indiana resident insurance producer license number 624234.
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.

