

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 15461-BB16-0617-003

IN THE MATTER OF:)

Donnell D. Duncan,
Respondent.)

750 West 26th Street)
Indianapolis, IN 46208)

Type of Action: Enforcement)

FILED

JUN 30 2016

STATE OF INDIANA
DEPT. OF INSURANCE

EMERGENCY CEASE AND DESIST ORDER

The Indiana Commissioner of Insurance, having reviewed the Enforcement Division's Motion for a Emergency Cease and Desist Order, and being otherwise duly advised, now finds as follows:

FINDINGS OF FACT

1. Indiana Department of Insurance ("Department") records show that Donnell D. Duncan, ("Respondent"), has never been licensed as an Indiana Bail Agent or Indiana Recovery Agent.
2. On June 8, 2016, the Department was contacted by Nellie McIntosh who indicated that Respondent was holding himself out as a bail agent.
3. An investigation was begun by the Enforcement Division of the Department to determine the validity of the above complaint. Investigator Mike Herndon was assigned. Investigator Herndon was able to determine that Respondent had two (2) felony convictions that would make him ineligible, under Ind. Code §27-10-3-3(A), for a bail agent license.

4. On April 1, 2016, Ms. McIntosh was approached by Respondent after she asked friends on Facebook where she could find a bail bondsman for Khalill Lewers, her husband, who was incarcerated on misdemeanor charges in Cass County, Indiana.

5. During Respondent's conversation with Ms. McIntosh, he represented himself as a bail bondsman and stated that he could help get Mr. Lewers out of jail in exchange for two hundred eighty dollars (\$280) which was paid to Respondent on that date.

6. A document which appears to be an official Seneca Insurance Company ("Seneca") surety bail bond document was sent to the Department by Ms. McIntosh. The document named Mr. Lewers as the defendant, listed Seneca as Surety, with a Power of Attorney number, 00984571-002; and listed a payment amount of six hundred and sixty four dollars (\$664). The misdemeanor cause number, 09D02-1604-CM-000304, on the document was Mr. Lewers' criminal cause number in Cass County, Indiana. The document also listed Respondent as the bail bondsman.

7. Cause number, 09D02-1604-CM-000304, was researched through Doxpop, a company that provides access to current and historical Indiana court cases. The docket entry for April 1, 2016 stated that the bond set was two hundred fifty dollars (\$250) cash or one thousand dollars (\$1,000) surety. The amount requested by Respondent, six hundred and sixty four dollars (\$664), would not be the appropriate amount for the surety bond set.

8. A bond was never issued, however, because Mr. Lewers was later released on his own recognizance after a plea agreement.

9. On June 9, 2016, Seneca sent a message to the Department stating that they have no record of Respondent applying, writing, or being appointed with Seneca and stated that the Power number on the questioned document, 00984571-002, was not a legitimate Power issued by their company.

CONCLUSIONS OF LAW

1. The Commissioner has the authority to regulate bail agents, recovery agents, and surety companies via Ind. Code § 27-10-2-1.

2. Ind. Code § 27-10-3-1(a) states that a person may not act in the capacity of a bail agent or recovery agent or perform any functions, duties, or powers prescribed for a recovery agent unless the person is qualified and licensed.

3. The Commissioner may issue appropriate orders without notice or an evidentiary proceeding under Ind. Code §4-21.5-4-2(a)(1) when an emergency exists.

4. Given the Respondent's action in acting as a bail agent without a license and the danger that it poses to the community at large, an emergency exists.

ORDER

It is therefore, ORDERED, that the Respondent, must CEASE AND DESIST from all activity as a licensed bail agent.

Pursuant to Ind. Code §4-21.5-4-5, this order remains effective for 90 days commencing on the date this order is issued.

Respondent is hereby notified of his right to a hearing concerning this order as quickly as practicable under Ind. Code §4-21.5-4-4.

ALL OF WHICH IS ORDERED this 30 day of June, 2016.

A handwritten signature in black ink, appearing to read "Stephen W. Robertson", written over a horizontal line.

Stephen W. Robertson,
Commissioner
Indiana Department of Insurance

Distribution to:

Cathleen Nine-Altevogt
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204

Donnell D. Duncan
750 West 26th Street
Indianapolis, IN 46208

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 15461-BB16-0617-003

IN THE MATTER OF:)
)
Donnell D. Duncan,)
Respondent.)
)
750 West 26th Street)
Indianapolis, IN 46208)
)
Type of Action: Enforcement)

FILED

JUN 30 2016

STATE OF INDIANA
DEPT. OF INSURANCE

MOTION FOR EMERGENCY CEASE AND DESIST ORDER

The Enforcement Division of the Indiana Department of Insurance (“Department”), pursuant to Ind. Code §4-21.5-4, files its petition for an emergency order against Respondent Donnell D. Duncan (“Respondent”), and states:

1. Donnell D. Duncan (“Respondent”) is neither a licensed Indiana bail agent nor recovery agent.
2. On June 8, 2016, the Department was contacted by Nellie McIntosh who indicated that Respondent was holding himself out as a bail agent.
3. An investigation was begun by the Enforcement Division of the Department to determine the validity of the above complaint. Investigator Mike Herndon was assigned. Investigator Herndon was able to determine that Respondent had two (2) felony convictions that would make him ineligible, under Ind. Code §27-10-3-3(A), for a bail agent license.
4. On April 1, 2016, Ms. McIntosh was approached by Respondent after she asked friends on Facebook where she could find a bail bondsman for Khalil Lewers, her husband, who was incarcerated on misdemeanor charges in Cass County, Indiana.

5. During Respondent's conversation with Ms. McIntosh, he represented himself as a bail bondsman and stated that he could help get Mr. Lewers out of jail in exchange for two hundred eighty dollars (\$280) which was paid to Respondent on that date.

6. A document, which appears to be a Seneca Insurance Company ("Seneca") surety bail bond document, was sent to the Department by Ms. McIntosh. The document named Mr. Lewers as the defendant, listed Seneca as Surety, with the Power of Attorney number, 00984571-002; and listed a payment amount of six hundred and sixty four dollars (\$664). The misdemeanor cause number, 09D02-1604-CM-000304, on the document was Mr. Lewers' criminal cause number in Cass County, Indiana. The document also named Respondent as the bail bondsman.

7. Cause number, 09D02-1604-CM-000304, was researched through the court site Doxpop, a company that provides access to current and historical Indiana court cases. The docket entry for April 1, 2016 stated that the bond set was two hundred fifty dollars (\$250) cash or one thousand dollars (\$1,000) surety. The amount requested by Respondent, six hundred and sixty four dollars (\$664), would not be the appropriate amount for the surety bond set.

8. A bond was never issued because Mr. Lewers was later released on his own recognizance after a plea agreement.

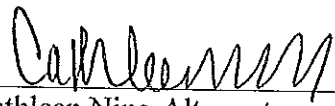
9. On June 9, 2016, Seneca sent a message to the Department stating that they have no record of Respondent applying, writing, or being appointed with Seneca and stated that the Power number on the questioned document, 00984571-002, was not a legitimate Power issued by their company.

Ind. Code § 27-10-3-1(a) states that a person may not act in the capacity of a bail agent or recovery agent or perform any functions, duties, or powers prescribed for a recovery agent unless the person is qualified and licensed.

Under Ind. Code §4-21.5-4-2(a)(1), the Commissioner may, in an emergency, issue orders without notice or an evidentiary proceeding. Upon issuance of an emergency order, Respondent may request a hearing as quickly as practicable under Ind. Code §4-21.5-4-4.

An emergency exists in that the Respondent continues to act as a bail agent and places the community at large in danger by such actions, due to the allegation of Respondent acting as a bail agent without a license and attempting to write illegitimate bonds.

WHEREFORE, the Enforcement Division requests that the Commissioner issue an emergency cease and desist order against Respondent under Ind. Code §4-21.5-4-2, and for all other necessary and proper relief.



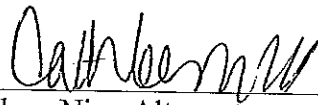
Cathleen Nine-Altevogt
Attorney #32706-49

Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 4620

Certificate of Service

I certify that a copy of the foregoing has been serviced upon Respondent by certified United States First Class mail, postage prepaid, this 30th day of JUNE, 2016.

Donnell D. Duncan
750 West 26th Street
Indianapolis, IN 46208



Cathleen Nine-Altevogt
Attorney #32706-49

Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204