

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

Cause Number: 12538-AG16-0516-119

IN THE MATTER OF)

John B. Larkin)
2913 Lothair Way)
Long Beach, IN 46360)

Respondent)

Type of Agency Action: Enforcement)

Indiana Insurance License)
Number: 414231)

FILED

SEP 06 2016

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER


The Enforcement Division of the Indiana Department of Insurance ("Department"), by counsel, Cathleen Nine-Altevogt, and John B. Larkin ("Respondent"), a resident insurance producer, signed an Agreed Entry which purports to resolve all issues involved in the above-captioned cause number, and which has been submitted to the Commissioner of the Indiana Department of Insurance ("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, attached, 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 as follows:

1. The July 15, 2016, Administrative Order Notice of Nonrenewal of License shall be vacated and Respondent's license shall be reinstated on a probationary basis.
2. The probationary period shall last two years starting at the date of this Order, or if criminal charges are pending against Respondent upon the lapse of the probationary period, probation shall be extended until the criminal matter is fully adjudicated.
3. Respondent shall follow all the terms of his probation, including the quarterly reporting requirements, as stated in the terms of the Agreed Entry.
4. Respondent shall pay an administrative fine of seven hundred and fifty dollars (\$750) within ninety (90) days after the Commissioner signs the Final Order, for Respondent's untimely reporting of his criminal prosecution.
5. The Department agrees to accept this agreement as full resolution of this matter.

ALL OF WHICH IS ORDERED this 6th day of September 2016.



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Cathleen Nine-Altevogt
Indiana Department of Insurance
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STATE OF INDIANA)
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BEFORE THE INDIANA
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Cause Number: 12538-AG16-0516-119

IN THE MATTER OF:)

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STATE OF INDIANA
DEPT. OF INSURANCE

AGREED ENTRY

This Agreed Entry is executed by and between the Enforcement Division of the Indiana Department of Insurance ("Department"), by attorney, Cathleen Nine-Altevogt, and John Larkin, ("Respondent"), to resolve all issues in the above-captioned cause number. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Commissioner of the Indiana Department of Insurance ("Commissioner").

WHEREAS, on December 31, 2001, Respondent obtained an Indiana Resident Producer's License under number 414231;

WHEREAS, on December 13, 2012, Respondent was charged with Voluntary Manslaughter, a Class A Felony, in LaPorte County, Indiana; he attended his initial pretrial hearing on December 20, 2012;

WHEREAS, on or about October 16, 2013, the Enforcement Division of the Indiana Department of Insurance ("Enforcement Division") received untimely notification from Respondent of the criminal proceeding.

WHEREAS, Respondent's conduct is a violation of Indiana Code § 27-1-15.6-12(b)(2)(A) which allows the Commissioner to penalize a licensee for violating an insurance law. Indiana Code § 27-1-15.6-17(b) is the insurance law at issue, and requires that a licensee report to the Commissioner a criminal prosecution not more than thirty (30) days after an initial pretrial hearing date;

WHEREAS, on July 15, 2016, an Administrative Order Notice of Nonrenewal of License was filed by the Department based on the untimely reporting of the criminal proceeding.

WHEREAS, on June 9, 2016, the manslaughter charge against Respondent was dismissed by the Judge on the case;

WHEREAS, on July 7, 2016, the State of Indiana filed an appeal of the dismissal and named Respondent as the defendant;

WHEREAS, Indiana Code § 27-1-15.6-12(b)(2) gives the Commissioner the authority to refuse to renew a license, place an agent's license on probation, and levy a civil penalty;

WHEREAS, the Department and Respondent (collectively, the "Parties") desire to resolve this matter without the necessity of a hearing.

IT IS, THEREFORE, NOW AGREED by and between the parties as follows:

1. The Commissioner has jurisdiction over the subject matter and the Parties to this Agreed Entry.
2. This Agreed Entry is executed voluntarily by the Parties.

3. Respondent voluntarily and freely waives the right to a public hearing on the issues in this matter.
4. Respondent voluntarily and freely waives the right to judicial review of this matter.
5. Respondent's producer license number 414231 shall be reinstated on a probationary basis upon the Commissioner's Final Order adopting this Agreed Entry ("Final Order").
6. Respondent's license shall be placed on **probation for two years**, starting at the date of the Final Order, or if criminal charges are pending against the Respondent upon the lapse of the two year probationary period, probation shall be extended until the criminal matter is fully adjudicated;
7. While on probation, Respondent shall send to the Department **quarterly reports detailing his appointments and providing information about the status of any and all criminal matters and the pending appellate case to which he is named as the defendant;**
8. Respondent shall pay a civil penalty of **seven hundred and fifty dollars (\$750) within ninety (90) days of the Final Order.**
9. Respondent shall comply with all insurance laws and the terms of his probation or the Department will seek immediate revocation of his license.
10. The Department agrees to accept Respondent's compliance with this agreement as full satisfaction of the matter regarding the untimely reporting a criminal proceeding.
11. The Department reserves the right to seek licensure penalties should any new violations arise.
12. Respondent has carefully read and examined this agreement and fully understands its terms.

STATE OF INDIANA)
COUNTY OF LaPorte) SS:

Before me a Notary Public for LaPorte County, State of Indiana, personally appeared John Larkin and being first duly sworn by me upon his oath, says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 10th day of August, 2016.

Priscilla A. Natale
Signature

PRISCILLA A. NATALE
Printed

My Commission expires: 7-31-2014

County of Residence: LaPorte

