

IN THE MATTER OF: ) **FILED**  
Jackie Smith )  
303 Middletown Park Place )  
Louisville, KY 40243 )  
Respondent )  
License Number: 418050 )  
JAN 27 2017  
STATE OF INDIANA  
DEPT. OF INSURANCE

## **FINDINGS OF FACT AND SUSPENSION ORDER**

WHEREAS, Jackie Smith (“Respondent”) is a non-resident insurance producer under license # 418050.

WHEREAS, Indiana Code § 27-1-15.8-4(a) requires a surplus lines producer, on or before February 1 and August 1 of each year, to collect from the insured and remit to the Department an amount equal to two and one-half percent (2 1/2%) of "all gross premiums upon all policies and contracts procured by the surplus lines producer under the provisions of this section during the preceding six (6) month period ending December 31 and June 30."

WHEREAS, Indiana Code § 27-1-15.6-12(g) states that a licensed producer must furnish the commissioner with a full and complete report listing each insurer with which the licensee has held an appointment during the year preceding within ten (10) days of a request.

WHEREAS, on November 29, 2016, the Commissioner of the Indiana Department of Insurance (“Commissioner”) mailed Respondent a certified letter requesting the semi-annual report and list of appointments.

WHEREAS, on December 16, 2016, the certified mail receipt for article # 91 7190 0005 2720 0066 0104, was returned by the United States Postal Service (“USPS”) marked as undeliverable as addressed.

WHEREAS, Respondent has failed to provide the semi-annual report and a list of appointments within ten (10) days as requested by the Commissioner.

WHEREAS, Respondent’s failure to provide the list of appointments within ten (10) days constitutes a violation of Indiana Code § 27-1-15.6-12(g).

WHEREAS, Indiana Code § 27-1-15.6-12(h) provides that the Commissioner may, without a hearing and in his sole discretion, issue an order to suspend any insurance license held by the licensee in the event that the licensee fails to remit the list of appointments within ten (10) days.

WHEREAS, pursuant to Indiana Code § 4-21.5-4-4, the Commissioner shall set this matter for hearing on this Order upon a request by Respondent.

IT IS THEREFORE ORDERED BY THE COMMISSIONER that Respondent’s license number 418050 is hereby suspended, effective immediately, and will remain suspended until Respondent:

1. Submits the semi-annual report and remits the surplus lines tax owed, and pays the late penalty as set out in Indiana Code § 27-1-15.8-4(h),

2. Submits the list of appointments requested by the Commissioner, and
3. Reaches a Consent Order with the Department for its expenses in obtaining compliance with this matter or schedules a hearing to determine the same.

ALL OF WHICH IS ORDERED the 27 day of January, 2017.

Stephen W. Robertson  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Copies to:

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