

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO. : 15584-AG16-1004-184

IN THE MATTER OF)
INSURANCE PRODUCER:)

Mark A. James)
10732 Patoka Road)
Indianapolis, IN 46239)

Respondent.)

FILED

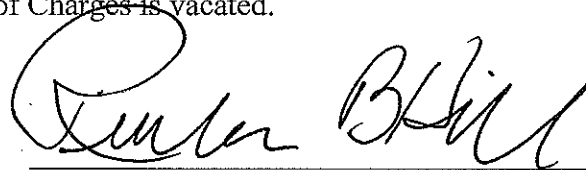
MAY 17 2017

STATE OF INDIANA
DEPT. OF INSURANCE

ORDER VACATING HEARING DATE AND STATEMENT OF CHARGES

The Enforcement Division of the Indiana Department of Insurance, by counsel, having filed its Motion to Vacate, and the Administrative Law Judge, being duly advised the same, hereby finds that said motion should be GRANTED.

IT IS THEREFORE ORDERED that the May 17, 2017 hearing at 10:00 am is vacated and the April 11, 2017 Statement of Charges is vacated.



Administrative Law Judge

Distribution:

Cathleen Nine-Altevogt
INDIANA DEPARTMENT OF INSURANCE
311 West Washington St. #103
Indianapolis, IN 46204-2787

Michael Steele
MICHAEL STEELE LAW OFFICE, LLC
8888 Keystone Crossing, Suite 1300
Indianapolis, IN 46240

STATE OF INDIANA)
) SS:
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MAY 16 2017

STATE OF INDIANA
DEPT. OF INSURANCE

MOTION TO VACATE HEARING AND STATEMENT OF CHARGES

The Enforcement Division of the Indiana Department of Insurance (“Department”), by counsel, Cathleen Nine-Altevogt, respectfully requests the May 17, 2017, hearing and the April 11, 2017 Statement of Charges, filed by the Department’s Enforcement Division in the above-captioned matter, both be vacated and in support thereof states:

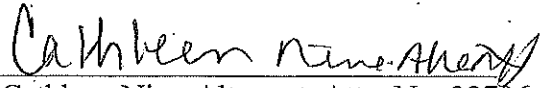
1. On April 11, 2017, the Enforcement Division filed a Statement of Charges against Respondent asking that after a hearing the Respondent’s license be permanently revoked and that he be fined.

2. The Department and Respondent’s counsel discussed resolving this matter via agreement and Respondent signed an Agreed Entry.

3. On May 12, 2017, the Commissioner signed a Final Order adopting the Agreed Entry and, thus, obviating the need for a Statement of Charges and a hearing.

WHEREFORE, the Department respectfully requests this Court to vacate the Statement of Charges and the hearing currently set for May 17, 2017.

Respectfully submitted,

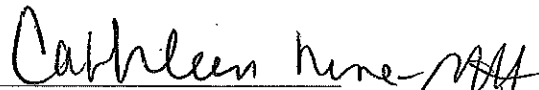


Cathleen Nine-Altevogt, Atty. No. 32706-49
Indiana Department of Insurance
Enforcement Division

Certificate of Service

This is to certify that a copy of the foregoing Motion has been served upon Respondent in the above-captioned proceeding and at the address above this 15th day of May, 2017.

Michael Steele
MICHAEL STEELE LAW OFFICE, LLC
8888 Keystone Crossing, Suite 1300
Indianapolis, IN 46240



Cathleen Nine-Altevogt, Atty No. 32706-49
INDIANA DEPARTMENT OF INSURANCE
311 West Washington St. #103
Indianapolis, IN 46204-2787

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

Cause Number: 15584-AG16-1004-184

IN THE MATTER OF)
)
Mark A. James)
10732 Patoka Rd)
Indianapolis, IN 46239)
)
Respondent)
)
Type of Agency Action: Enforcement)
)
Resident Producer License)
Number: 459300)

FILED

MAY 12 2017

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

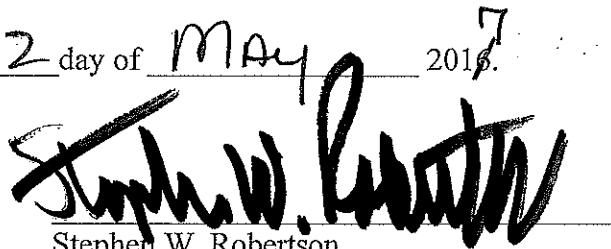
The Enforcement Division of the Indiana Department of Insurance (“Department”), by counsel, Cathleen Nine-Altevogt, and Mark A. James (“Respondent”), a licensed resident insurance producer applicant, signed an Agreed Entry which purports to resolve all issues involved in the above-captioned cause number, and which has been submitted to the Commissioner of the Indiana Department of Insurance (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, 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. Respondent's Indiana producer licensure shall be revoked for using fraudulent, coercive, or dishonest practices by adding multiple ancillary products to the sale of short-term medical policies without the consumer's knowledge and consent.
2. Respondent shall not re-apply for Indiana insurance producer licensure for a period of two (2) years.
3. The Department agrees to accept this agreement as full resolution of this matter.

ALL OF WHICH IS ORDERED this 12 day of May 2016.



Stephen W. Robertson,
Commissioner
Indiana Department of Insurance

Distribution:

Melissa Higgins, Investigator
INDIANA DEPARTMENT OF INSURANCE
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204-2787

Mark A. James
10732 Patoka Rd
Indianapolis, IN 46239

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

Cause Number: 15584-AG16-1004-184

IN THE MATTER OF:)
)
Mark A. James)
10732 Patoka Rd)
Indianapolis, IN 46239)
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Respondent)
)
Type of Agency Action: Enforcement)
)
Resident Producer License)
Number: 459300)

FILED

MAY 12 2017

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 counsel, Cathleen Nine-Altevogt, and Mark A. James (“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 August 24, 2004, Respondent obtained an Indiana resident producer’s license under number 459300;

WHEREAS, on July 27, 2016, the Department was notified that Respondent was terminated for cause from his employment at Golden Rule Insurance Company;

WHEREAS, Respondent was employed in the Direct Sales Department, and in that role he sold various insurance products to consumers by phone;

WHEREAS, On or around June 9, 2016, one of Respondent's sales calls, which had occurred the previous day, was used as a training tool for other producers in the Direct Sales Department, and it was discovered that ancillary products were added to the sale of a short-term medical policy without the consumer's knowledge and consent during this particular call;

WHEREAS, on or about June 21, 2016, Golden Rule received a consumer complaint stating that Respondent had signed the consumer up for accident and critical illness policies that the consumer had not consented to;

WHEREAS, Golden Rule conducted an investigation and found several other instances where Respondent added ancillary products to the sale of short-term medical policies without the consumer's knowledge or consent;

WHEREAS, each ancillary product added to the sale of short-term medical policies had their own policy application, electronic signature, and policy number;

WHEREAS, Indiana Code § 27-1-15.6-12(b)(8) provides the Commissioner may revoke an insurance producer's licensure for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere;

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

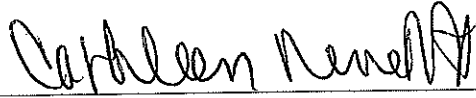
IT IS, THEREFORE, NOW AGREED by and between the parties as follows:

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 insurance producer license shall be revoked, effective the day the Commissioner signs the Final Order adopting this Agreed Entry.
6. Respondent shall not re-apply for insurance producer licensure for a period of two years from the Commissioner signing the Final Order adopting this Agreed Entry.
7. Respondent is aware he is required to disclose this Agreed Entry and any other administrative actions he may have on his insurance producer license application, should Respondent re-apply for his license.
8. The Department agrees to accept Respondent's compliance with this agreement as full satisfaction of this matter.
9. Respondent has carefully read and examined this agreement and fully understands its terms.
10. Respondent has entered into this agreement freely, and has not been subject to duress, threat or undue influence.
11. 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.
10. Respondent is aware that failure to comply with any of the terms of this agreement will result in the matter being set for a hearing.

5-18-17

Date Signed



Cathleen Nine-Altevogt, Attorney #32706-49
Indiana Department of Insurance

5/5/17

Date Signed

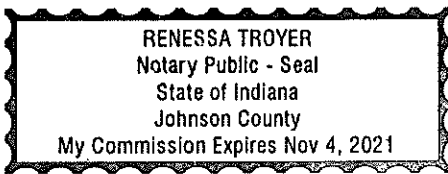


Mark A. James, Respondent

STATE OF INDIANA)
COUNTY OF Johnson) SS:

Before me a Notary Public for Johnson County, State of Indiana, personally appeared Mark A. James 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 5th day of May, 2017.



Renessa Troyer
Signature
Renessa Troyer
Printed

My Commission expires: November 4, 2021
County of Residence: Johnson