

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
CAUSE NO.: 16231-AG17-0510-108

IN THE MATTER OF:)

John Witherspoon)
709 Blackhorse PKWY)
Franklin, TN 37069-6534)

Respondent)

License Number: 3123282)

FILED

MAY 12 2017

STATE OF INDIANA
DEPT. OF INSURANCE

FINDINGS OF FACT AND SUSPENSION ORDER

WHEREAS, John Witherspoon (“Respondent”) is a nonresident insurance producer under license # 3123282;

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 April 13, 2017, 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 April 15, 2017, the certified mail receipt for article # 7016 2140 0000 9009 2870, was delivered to individual;

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; and


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 3123282 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 12 day of May, 2017.



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

John Witherspoon
709 Blackhorse PKWY
Franklin, TN 37069-6534

Claire Szpara, Attorney
Indiana Department of Insurance
311 West Washington St. #103
Indianapolis, IN 46204