

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 16233-AG17-0510-110

IN THE MATTER OF:)

Jeffrey Kinniard)
6317 Shady Creek)
Fort Wayne, IN 46814)

Respondent)

License Number: 712965)

FILED

MAY 25 2017

STATE OF INDIANA
DEPT. OF INSURANCE

ORDER

The Commissioner of the Indiana Department of Insurance ("Commissioner"), now being so advised, hereby vacates the Findings of Fact and Suspension Order filed on May 12, 2017, effective immediately, this 25 day of May 2017.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Claire Szpara, Attorney
Indiana Department of Insurance
311 West Washington St. #103
Indianapolis, IN 46204-2787

Jeffrey Kinniard
6317 Shady Creek
Fort Wayne, IN 46814

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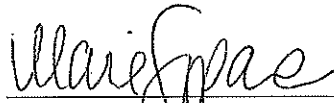
MAY 25 2017

STATE OF INDIANA
DEPT. OF INSURANCE

MOTION TO VACATE SUSPENSION ORDER

The Enforcement Division of the Indiana Department of Insurance (“Department”), by counsel, Claire Szpara, now moves that the Findings of Fact and Suspension Order issued May 12, 2017, in this matter be vacated. In support of this request, the Department states that in March 2017, Respondent provided the surplus lines semi-annual report and the list of company appointments to the Department and had been in compliance with Indiana Code § 27-1-15.6-12(g) during the period in question.

Respectfully requested,



Claire Szpara #34219-64
Indiana Department of Insurance

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CAUSE NO.: 16233-AG17-0510-110

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MAY 12 2017

STATE OF INDIANA
DEPT. OF INSURANCE

FINDINGS OF FACT AND SUSPENSION ORDER

WHEREAS, Jeffrey Kinniard ("Respondent") is a resident insurance producer under license # 712965;

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 18, 2017, the certified mail receipt for article # 7016 2140 0000 9009 2900, was delivered and individual picked up at the post office;

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 712965 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

Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

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6317 Shady Creek
Fort Wane, IN 46814

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