

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

Cause Number: 16342-AG17-0808-159

IN THE MATTER OF)
)
David M. Spellman)
103 Springwater Cir.)
Greenwood, IN 46143)
)
Respondent)
)
Type of Agency Action: Enforcement)
)
Independent Adjuster's License: 971984)

FILED
AUG 24 2017
STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER


The Enforcement Division of the Indiana Department of Insurance (“Department”), by counsel, Claire Szpara, and David M. Spellman (“Respondent”), a licensed resident independent adjuster, 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. Respondent's license shall be revoked, due to Respondent's failure to disclose his May 14, 1994 Illinois conviction of State Benefit Fraud, a Class 3 Felony, and his January 08, 2016 license denial by the Florida Department of Insurance Regulation.
2. Respondent shall not reapply for licensure for one (1) year.
3. The Department agrees to accept this agreement as full resolution of this matter.

ALL OF WHICH IS ORDERED this 29th day of August 2017.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Taylor Peycha, Insurance Investigator
Indiana Department of Insurance
311 West Washington St, Suite 103
Indianapolis, Indiana 46204-2787

David M. Spellman
1030 Springwater Cir.
Greenwood, IN 46143

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 16342-AG17-0808-159

IN THE MATTER OF:)

David M. Spellman)
103 Springwater Cir.)
Greenwood, IN 46143)

Respondent)

Type of Agency Action: Enforcement)

Independent Adjuster's License: 971984)

FILED

AUG 24 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, Claire Szpara, and David M. Spellman ("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, the Respondent is a licensed resident independent adjuster, holding license number 971984;

WHEREAS, on August 14, 2014, Respondent submitted an application for an independent adjuster's license, which was approved;

WHEREAS, on that application, Respondent failed to disclose his May 14, 1994 Illinois conviction of State Benefit Fraud, a Class 3 Felony;

WHEREAS, on January 08, 2016, Respondent was subject to a license denial by the Florida Department of Insurance Regulation, which he failed to timely report to the Department;

WHEREAS, the Respondent's actions are in violation of Indiana Code § 27-1-28-18(b)(6), which states that an independent adjuster shall not have been convicted of a felony;

WHEREAS, the Respondent's actions are in violation of Indiana Code § 27-1-28-18(b)(1), which states that an independent adjuster shall not provide incorrect, misleading, incomplete, or materially untrue information in a license application;

WHEREAS, the Respondent's actions are in violation of Indiana Code § 27-1-28-18(b)(9), which states that an independent adjuster shall not have had insurance license, or its equivalent probated, suspended, revoked, or refused in another state, province, district, or territory;

WHEREAS, Indiana Code § 27-1-28-22(a) states that an independent adjuster shall report to the Commissioner an administrative action taken against the independent adjuster in another jurisdiction or by another governmental agency in Indiana not more than thirty (30) days after the final disposition of the matter;

WHEREAS, the Respondent's actions are in violation of Indiana Code § 27-1-28-18(b)(2), which states that an independent adjuster shall not violate an insurance law, a subpoena, or an order of the Commissioner or another state's insurance commissioner.

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 agrees to the revocation of his resident independent adjuster license.
6. Respondent shall not reapply for licensure for one (1) year after the Commissioner's signing of the Final Order.
7. Should additional violations manifest, further administrative actions will be taken for the new violation.
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 and accepts 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.

11. Respondent is aware that failure to comply with any terms of this agreement will result in the matter being set for a hearing.

8-24-17
Date Signed

Claire Szpara
Claire Szpara, Attorney #34219-64
Indiana Department of Insurance

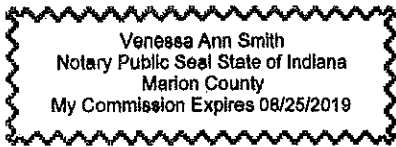
8-18-17
Date Signed

David M. Spellman
David M. Spellman, Respondent

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me a Notary Public for Johnson County, State of Indiana, personally appeared David M. Spellman, 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 18 day of August, 2017.



Venessa Smith
Signature

Venessa Smith
Printed

My Commission expires: 8/25/19

County of Residence: Marion