

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

Cause Number: 16280-AG17-0720-143

IN THE MATTER OF)
)
Robert Joseph Cacioppo)
14850 North Scottsdale Road #400)
Scottsdale, AZ 85254)
)
Respondent)
)
Type of Agency Action: Enforcement)
)
License Number: 1041236)

FILED

DEC 22 2017

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

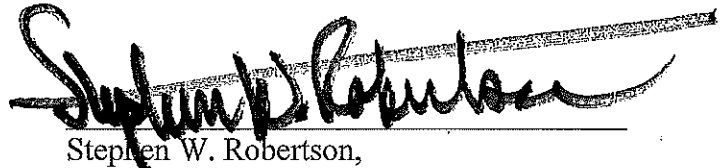
The Enforcement Division of the Indiana Department of Insurance (“Department”), by counsel, Claire Szpara, and Robert Joseph Cacioppo (“Respondent”), a licensed resident insurance producer, signed an Agreed Entry which purports to resolve all issues involved in the above-captioned cause number, and which 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 as a resolution of this matter being Respondent’s actions of paying, directly or indirectly, any rebate of or part of the premium payable on a policy.

IT IS THEREFORE ORDERED by the Commissioner as follows:

1. Respondent's license number 1041236 shall be permanently revoked for offering to pay, directly or indirectly, a rebate of premium payable on an insurance policy in violation of Indiana Codes § 27-1-20-30 and 27-1-22-18.
2. The Department agrees to accept this agreement as full resolution of this matter.

ALL OF WHICH IS ORDERED this 22 day of December 2017.

A handwritten signature in black ink, appearing to read "Stephen W. Robertson", written over a horizontal line.

Stephen W. Robertson,
Commissioner
Indiana Department of Insurance

Distribution:

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

Robert Joseph Cacioppo
14850 North Scottsdale Road #400
Scottsdale, AZ 85254

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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 Robert Joseph Cacioppo (“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, Respondent is a licensed non-resident insurance producer, holding license number 1041236;

WHEREAS, the Department received notice from New York Life Insurance Company (“NYL”) of Respondent’s resignation in lieu of termination for cause;

WHEREAS, Respondent paid partial premium on two (2) life insurance policies for an insured in order to receive advanced commission from NYL;

WHEREAS, Respondent's conduct is a violation of Indiana Code §27-1-15.6-12(b)(2)(A), which states a producer shall not violate an insurance law. Indiana Codes §27-1-20-30 and 27-1-22-18 are insurance laws that, in part, prohibit insurance producers from paying, directly or indirectly, any rebate of or part of the premium payable on a policy;

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 license shall be permanently revoked, effective the day the Commissioner adopts this Agreed Entry via Final Order.
6. Should additional violations manifest, this revocation shall be in addition to any administrative actions for the new violation.
7. 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.

8. 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.

12-19-17

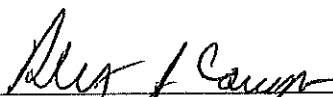
Date Signed



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

12-14-17

Date Signed

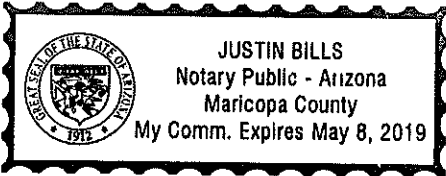


Robert Joseph Cacioppo, Respondent

STATE OF ARIZONA)
) SS:
COUNTY OF MARICOPA)

Before me a Notary Public for MARICOPA County, State of Arizona,
personally appeared Robert Joseph Cacioppo 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 14TH day of DECEMBER, 2017.



[Handwritten Signature]
Signature
JUSTIN BILLS
Printed

My Commission expires: 5/8/2019

County of Residence: MARICOPA COUNTY

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

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CAUSE NUMBER:16280-AG17-0720-143

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Scottsdale, AZ 85254)

Respondent.)

License Number: 1041236)

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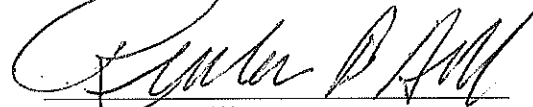
DEC 19 2017

STATE OF INDIANA
DEPT. OF INSURANCE

ORDER VACATING HEARING DATE

The Administrative Law Judge now being advised of the motion from the Department of Insurance for a continuance of the hearing on December 14, 2017 at 11:00 a.m. The Court now GRANTS said continuance and is hereby VACATING a hearing in this matter until notice that the Department and Respondent have reached an agreement outside of a hearing.

So Ordered this 19th day of December 2017



Reuben B. Hill
Administrative Law Judge

Distribution:

Claire Szpara
311 W Washington Street Suite 103
Indianapolis, IN 46204

Robert Cacioppo
14850 North Scottsdale Road #400
Scottsdale, AZ 85254

STATE OF INDIANA)
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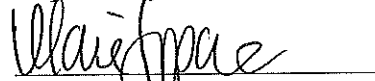
MOTION TO CONTINUE

The Indiana Department of Insurance (“Department”) hereby files its Motion to Continue the administrative hearing on December 14, 2017, and in support of its motion hereby states:

1. On November 16, 2017, the Department filed its Statement of Charges against Respondent.
2. On November 16, 2017, a hearing regarding the Statement of Charges was set for December 14, 2017.
3. On December 14, 2017, the administrative hearing on this matter commenced but the hearing was suspended at the request of both parties for the parties to negotiate an Agreed Entry.
4. The Department and Respondent request that the hearing on the Statement of Charges be vacated while the Department and Respondent attempt to settle their issues through an Agreed Entry.

5. This continuance is not requested for reasons of delay, but instead to ensure the parties can present its evidence and that this matter can be fully adjudicated.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Claire Szpara", is written over a horizontal line.

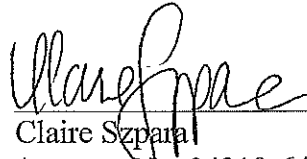
Claire Szpara

Attorney No: 34219-64

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been sent by first class
United States mail, proper postage prepaid to the following on this 19 day of
December 2017.

Robert Cacioppo
14850 North Scottsdale Road #400
Scottsdale, AZ 85254



Claire Szpara

Attorney No: 34219-64

INDIANA DEPARTMENT OF INSURANCE
311 West Washington Street
Suite 103
Indianapolis, Indiana 46204
(317) 232-5312

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
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CAUSE NUMBER: 16280-AG17-0720-143

IN THE MATTER OF:)

Robert Joseph Cacioppo)
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Scottsdale, AZ 85254)

Respondent.)

License Number: 1041236)

FILED

NOV 16 2017

STATE OF INDIANA
DEPT. OF INSURANCE

NOTICE OF HEARING

Notice is hereby given, pursuant to Indiana Code § 4-21.5-3 *et seq.*, that an evidentiary hearing will be held on December 14, 2017, at 11:00 ~~A.M.~~ P.M. Eastern Time, at 311 West Washington Street, Suite 103, Indianapolis, Indiana, to determine whether to permanently revoke Respondent's nonresident producer license.

The hearing will be conducted in accordance with the provisions of the Administrative Orders and Procedures Act, codified at Indiana Code § 4-21.5-3 *et seq.* The Commissioner's authority to permanently revoke an insurance producer's license is contained in Indiana Code § 27-1-15.6-12(b).

The issues to be resolved at the hearing are those described in the Statement of Charges.

The Indiana Department of Insurance asserts that Respondent has violated Indiana Code § 27-1-15.6-12(b)(2)(A), due to paying partial premium on two (2) life insurance policies for an insured in order to receive advanced commissions, in violation of Indiana Code § 27-1-20-30, an insurance law that prohibits, in part, an insurance producer from setting off or paying, directly or indirectly, any rebate or part of the premium payable on a policy.

In accordance with Indiana Code § 27-1-15.6-34, the Administrative Law Judge in this matter is:

Robert B. Hill

Indiana Department of Insurance
311 West Washington Street - Suite 103
Indianapolis, Indiana 46204-2787
Telephone: 317/232-3520

The Department of Insurance will be represented by its counsel, Claire Szpara, who can be reached at:

Indiana Department of Insurance
311 West Washington Street - Suite 103
Indianapolis, Indiana 46204-2787
Telephone: 317/232-5312

A party who fails to attend or participate in a pre-hearing conference, hearing or other later stage of the proceeding, may be held in default or have a proceeding dismissed under Indiana Code § 4-21.5-3-24.

Dated: NOV 16, 2017

Robert B. Hill

Administrative Law Judge
Indiana Department of Insurance

This Notice has been sent to:

Robert Joseph Cacioppo
14850 North Scottsdale Road #400
Scottsdale, AZ 85254

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

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DEPT. OF INSURANCE

STATEMENT OF CHARGES

The Enforcement Division of the Indiana Department of Insurance (“Department”), by counsel, Claire Szpara, pursuant to the Indiana Administrative Orders and Procedures Act, Indiana Code § 4-21.5 *et seq.*, files its Statement of Charges against Robert Joseph Cacioppo (“Respondent”), as follows:

FACTS

1. Respondent, a nonresident insurance producer, was issued Indiana nonresident producer license number 1041236 on June 12, 2015. (“Respondent’s license”).
2. On May 25, 2017, the Department was notified by New York Life Insurance Company (“NYL”) of Respondent’s resignation in lieu of termination for cause.
3. According to NYL, Respondent admitted to paying partial premium on two (2) life insurance policies for an insured in order to receive advanced commission.

CHARGES

COUNT I

4. Averments 1 through 3 are incorporated fully herein by reference.

5. Indiana Code § 27-1-15.6-12(b) states the Commissioner may permanently revoke an insurance producer license, due to a number of causes.
6. Specifically, Indiana Code § 27-1-15.6-12(b)(2)(A) states the Commissioner may permanently revoke an insurance producer license for violating an insurance law.
7. Respondent's conduct, as alleged herein, violates Indiana Code § 27-1-20-30, an insurance law that prohibits, in part, an insurance producer from setting off or paying, directly or indirectly, any rebate of or part of the premium payable on a policy.

WHEREFORE, the Enforcement Division of the Indiana Department of Insurance, by counsel, Claire Szpara, requests that the Commissioner of Insurance:

- (1) Issue an order permanently revoking Respondent's insurance producer license;
- (2) Set this matter for a hearing pursuant to Indiana Code § 4-21.5; and
- (3) Issue all other relief necessary and proper upon the premise.

Respectfully submitted,

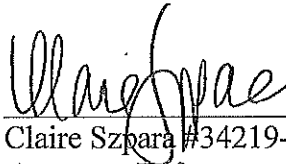


Claire Szpara, Attorney #34219-64

Claire Szpara, Attorney
Indiana Department of Insurance
Enforcement Division
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204-2787
Telephone: (317) 232-5312
Facsimile: (317) 232-5251

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served upon the following Respondent by United States first class mail, postage prepaid, this _____ day of _____, 2017.



Claire Szpara #34219-64
Attorney, Enforcement Division

Distribution:

Claire Szpara, Attorney
Indiana Department of Insurance
311 W Washington Street Suite 103
Indianapolis, IN 46204

Robert Joseph Cacioppo
14850 North Scottsdale Road #400
Scottsdale, AZ 85254