

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

Cause Number: 16530-AG17-1102-211

IN THE MATTER OF)
)
Adrian R. Hernandez)
2210 Maplecrest Rd)
Fort Wayne, IN 46815)
Respondent)
)
Type of Agency Action: Enforcement)
)
Producer's License: 1028159)

FILED

DEC 08 2017

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER


The Enforcement Division of the Indiana Department of Insurance ("Department"), by counsel, Claire Szpara, and Adrian R. Hernandez ("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 being Respondent's misappropriation of policyholder funds, financial irresponsibility, and misrepresentation of an application for insurance, in violation of Indiana Codes §§ 27-1-15.6-12(b)(4), 27-1-15.6-12(b)(8), and 27-1-15.6-12(b)(5).

IT IS THEREFORE ORDERED by the Commissioner as follows:

1. Respondent's license shall be permanently revoked, due to Respondent's misappropriation of policyholder funds, financial irresponsibility, and misrepresentation of an application for insurance.
2. The Department agrees to accept this agreement as full resolution of this matter.

ALL OF WHICH IS ORDERED this 8th day of December 2017.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

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

Adrian R. Hernandez
2210 Maplecrest Rd
Fort Wayne, IN 46815

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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 Adrian R. Hernandez ("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 producer, holding license number 1028159;

WHEREAS, on or about September 18, 2017, Respondent was terminated for cause from Farmers Insurance Company ("Farmers");

WHEREAS, Farmers alleged Respondent misappropriated policyholder premium funds for his personal use;

WHEREAS, Farmers alleged Respondent comingled his personal funds with policyholder premium funds in the same bank account;

WHEREAS, Farmers alleged Respondent misrepresented information in his own automobile policy in order to receive a lower premium payment;

WHEREAS, Respondent's actions are in violation of Indiana Code § 27-1-15.6-12(b)(4), which states that an insurance producer shall not improperly withhold, misappropriate, or convert any monies or properties received in the course of doing insurance business;

WHEREAS, Respondent's actions are in violation of Indiana Code § 27-1-16.6-12(b)(8), which states that an insurance producer shall not use fraudulent, coercive, or dishonest practices, or demonstrate incompetence, untrustworthiness or financial irresponsibility in the conduct of business in Indiana or elsewhere;

WHEREAS, Respondent's actions are in violation of Indiana Code § 27-1-15.6-12(b)(5), which states that an insurance producer shall not intentionally misrepresent the terms of an actual or proposed insurance contract or application for insurance;

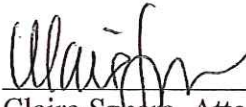
WHEREAS, the Department and Respondent (collectively, the "Parties") desire to resolve this matter without the necessity of a hearing.

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 permanent revocation of his resident producer license.

6. Should additional violations manifest, further administrative actions will be taken for the new violation.
7. The Department agrees to accept Respondent's compliance with this agreement as full satisfaction of this matter.
8. Respondent has carefully read and examined this agreement and fully understands and accepts its terms.
9. Respondent has entered into this agreement freely, and has not been subject to duress, threat or undue influence.
10. 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.

12.7.17
Date Signed



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

12-2-2017
Date Signed

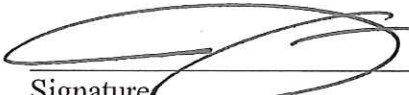


Adrian R. Hernandez, Respondent

STATE OF INDIANA)
) SS:
COUNTY OF Allen)

Before me a Notary Public for Allen County, State of Indiana, personally appeared Adrian R. Hernandez, 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 2 day of December, 2017.


Signature

John Brown
Printed

My Commission expires: 08/22/2023

County of Residence: Allen

JOHN BROWN
NOTARY PUBLIC
SEAL
ALLEN COUNTY, STATE OF INDIANA
MY COMMISSION EXPIRES AUGUST 22, 2023