

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

Cause Number: 16691-AG17-1114-216

IN THE MATTER OF)

Kyle B. Berger)
15384 Delphinium Pl)
Huntertown, IN 46748)

Applicant)

Type of Agency Action: Enforcement)

Application ID: 618059)

FILED

NOV 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 Kyle B. Berger ("Applicant"), an applicant for an Indiana Resident Producer license, 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 Applicant's failure to disclose on his application for licensure his January 07, 2010 conviction of Resisting Law Enforcement, a Class A Misdemeanor in violation of Indiana Code § 27-1-15.6-12(b)(1).

IT IS THEREFORE ORDERED by the Commissioner as follows:

1. Applicant shall pay an administrative fine of Two Hundred Fifty Dollars (\$250) within thirty (30) days after the Commissioner signs the Final Order, for Applicant's failure to disclose on his application for licensure his January 07, 2010 conviction of Resisting Law Enforcement, a Class A Misdemeanor.
2. The Department agrees to accept this agreement as full resolution of this matter.

ALL OF WHICH IS ORDERED this 22 day of November 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

Kyle B. Berger
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Huntertown, IN 46748

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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 Kyle B. Berger ("Applicant"), 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, on November 05, 2017, Applicant submitted an application for a resident producer's license;

WHEREAS, on said license application, Applicant failed to disclose a January 07, 2010 conviction of Resisting Law Enforcement, a Class A Misdemeanor;

WHEREAS, Applicant's conduct is a violation of Indiana Code § 27-1-15.6-12(b)(1), which states that an applicant for licensure shall not provide incorrect, misleading, incomplete, or materially untrue information in a license application;

WHEREAS, the Department and Applicant (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. Applicant voluntarily and freely waives the right to a public hearing on the issues in this matter.
4. Applicant voluntarily and freely waives the right to judicial review of this matter.
5. Applicant shall pay an administrative fine of Two Hundred Fifty Dollars (\$250) within thirty (30) days after the Commissioner signs the Final Order adopting this Agreed Entry.
6. The Department agrees to accept Applicant's compliance with this agreement as full satisfaction of this matter.
7. Applicant has carefully read and examined this agreement and fully understands its terms.
8. Applicant has entered into this agreement freely, and has not been subject to duress, threat or undue influence.
9. 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. Applicant is aware that failure to comply with any of the terms of this agreement will result in the matter being set for a hearing.

11-20-17
Date Signed

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

11/16/2017
Date Signed

Kyle B. Berger
Kyle B. Berger, Applicant

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

Before me a Notary Public for ALLEN County, State of Indiana
personally appeared Kyle B. Berger, 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 16th day of November, 2017.



M. Montes
Signature
MARY J. MONTES
Printed

My Commission expires: November 3rd, 2021

County of Residence: ALLEN