

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

Cause Number: 16798⁵-AG18-0119-005

IN THE MATTER OF)
)
David J. Weaver)
210 E. South G Street)
Gas City, IN 46933)
)
Respondent)
)
Type of Agency Action: Enforcement)
)
License Number: 3237790)

FILED

FEB 09 2018

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER


The Enforcement Division of the Indiana Department of Insurance ("Department"), by counsel, Claire Szpara, and David J. Weaver ("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, which revokes a resident producer license for one (1) year for allegations of demonstrating fraudulent or dishonest practices while submitting an application for life insurance for a family member, 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 number 3237790 shall be revoked for a one (1) year period.
Respondent may re-apply for licensure one (1) year from the date this Final Order is issued.
2. The Department agrees to accept this agreement as full resolution of this matter.

ALL OF WHICH IS ORDERED this 9th day of February 2018.


Stephen W. Robertson,
Commissioner
Indiana Department of Insurance

Distribution:

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

David J. Weaver
210 E. South G Street
Gas City, IN 46933

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

Cause Number: 16795-AG18-0119-005

IN THE MATTER OF:)
)
David J. Weaver)
 Respondent)
)
210 E. South G Street)
Gas City, IN 46933)
)
Type of Agency Action: Enforcement)
)
License Number: 3237790)

FILED

FEB 09 2018

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 J. Weaver ("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, on April 25, 2017, Respondent obtained an Indiana resident producer's license under number 942393;

WHEREAS, on or around December 8, 2017, the Department was notified by Western & Southern Life ("Western & Southern") that Respondent had been terminated for cause for allegations that he had violated compliance policies by providing false, incomplete, and misleading information;

WHEREAS, Western & Southern alleged Respondent completed an application for life insurance for his wife and knowingly provided incorrect information on the application, to wit:

- I. Respondent indicated his wife was a nonsmoker when she was in fact a smoker;
- II. Respondent provided an Oral Fluids Test ("OFT") completed by another family member whom is a nonsmoker with the application to Western & Southern;
- III. Respondent admittedly submitted the false information because his wife was concerned about the cost of the policy;

WHEREAS, Western & Southern discovered the fraudulent OFT and instructed Respondent to withdraw the application;

WHEREAS, Respondent did withdraw the application;

WHEREAS, Indiana Code § 27-1-15.6-12(b)(8) states the Commissioner may revoke an insurance producer's license for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere; and

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 revoked for one (1) year, effective the day the Commissioner adopts this Agreed Entry via Final Order. Respondent may re-apply for licensure one (1) year from the date the Final Order is issued.
6. Should additional violations manifest, this revocation shall be in addition to any administrative actions for the new violation(s).
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.

2-6-18

Date Signed

Claire Szpara

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

2-2-18

Date Signed

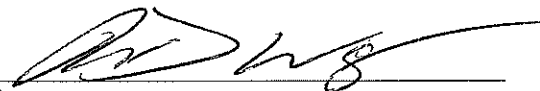
David J. Weaver

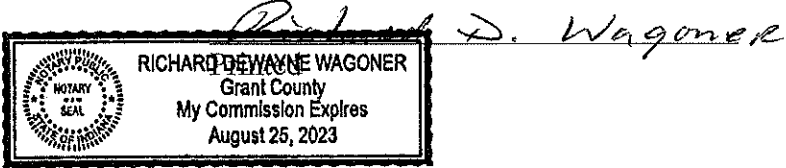
David J. Weaver, Respondent

STATE OF INDIANA)
) SS:
COUNTY OF Grant)

Before me a Notary Public for Grant County, State of Indiana, personally appeared David J. Weaver, on behalf of himself, 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 2nd day of February, 2018.


Signature



My Commission expires: _____

County of Residence: Grant