

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 15944-AG17-0214-051

IN THE MATTER OF:

Eleanor Koger
404 W 35th Street
Wilmington, DE 19802

Respondent.

Type of Agency Action: Enforcement

License Number: 855463

FILED

APR 27 2018

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER


The Indiana Department of Insurance ("Department"), by its counsel, Claire Szpara, and Eleanor Koger ("Respondent"), a nonresident surplus lines producer licensed to do business in Indiana, signed an Agreed Entry which purports to resolve all issues involved in the action by the Department and which has been submitted to the Commissioner of Insurance ("Commissioner") for approval.

The Commissioner, after reviewing the Agreed Entry, which imposes a two hundred and fifty dollar (\$250) administrative penalty for failing to provide the semi-annual report and list of appointments as requested by the Commissioner, 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 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:

1. Respondent shall pay an administrative penalty in the amount of two hundred fifty (\$250) dollars to the Department. This amount is due in full to the Department within thirty (30) days after the signing of this Final Order.
2. Respondent's resident surplus lines license suspension shall be lifted after the administrative penalty is received.

ALL OF WHICH IS ORDERED this 27 day of April, 2018.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Eleanor Koger
404 W 35th Street
Wilmington, DE 19802

Claire Szpara, Counsel
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204

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AGREED ENTRY

This Agreed Entry is executed by the Indiana Department of Insurance ("Department"), by counsel, Claire Szpara, and Eleanor Koger ("Respondent"), a non-resident surplus lines producer licensed to do business in Indiana, to resolve all issues in the above captioned matter. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Commissioner, Indiana Department of Insurance ("Commissioner").

WHEREAS, Respondent is a non-resident surplus lines producer holding license number 855463;

WHEREAS, Indiana Code § 27-1-15.8-4(a) requires a surplus lines producer, on or before February 1 and August 1 of each year, to collect from the insured and remit to the Department an amount equal to two and one-half percent (2 1/2%) of "all gross premiums upon all policies and contracts procured by the surplus lines producer under the provisions

of this section during the preceding six (6) month period ending December 31 and June 30.”;

WHEREAS, Indiana Code § 27-1-15.6-12(g) states that a licensed producer must furnish the commissioner with a full and complete report listing each insurer with which the licensee has held an appointment during the year preceding within ten (10) days of a request;

WHEREAS, Respondent has failed to provide the semi-annual report and a list of appointments within ten (10) days as requested by the Commissioner; and

WHEREAS, the Department and Respondent (collectively, “the Parties”) desire to resolve their differences and settle their issues without incurring the time and expense 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 in 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 in this matter.
4. Respondent voluntarily and freely waives the right to judicial review of this matter.
5. Respondent agrees to pay an administrative penalty in the amount of two hundred fifty dollars (\$250) to the Department within thirty (30) days of the Commissioner’s Final Order adopting this Agreed Entry.

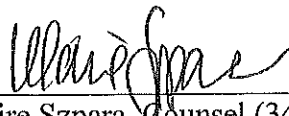
6. After Department receives Respondent's payment of two hundred fifty dollars (\$250), the Department will file a motion to lift the suspension on Respondent's surplus lines license.
7. The Department agrees to accept Respondent's compliance with the Agreed Entry herein as full satisfaction of this matter.
8. Respondent has carefully read and examined this Agreed Entry and fully understands its terms.
9. Respondent has entered into this Agreed Entry 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 term of this agreement will result in the matter being set for hearing.

4.24.18

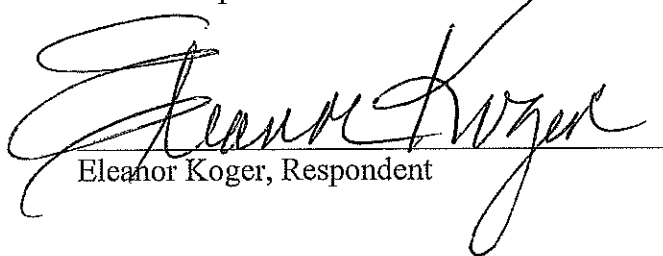
Date Signed

4/19/18

Date Signed



Claire Szpara, Counsel (34219-64)
Indiana Department of Insurance

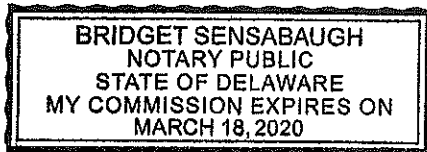


Eleanor Koger, Respondent

STATE OF DELAWARE)
) SS:
COUNTY OF Newcastle)

Before me a Notary Public for Newcastle County, State of Delaware, personally appeared Eleanor Koger, 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 19 day of April, 2018.



Bridget Sensabaugh
Signature

Bridget Sensabaugh
Printed

My Commission expires: 3/18/20

County of Residence: New Castle

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 15944-AG17-0214-051

IN THE MATTER OF:

Eleanor Koger
404 W 35th St
Wilmington, DE 19802

Respondent

License Number: 855463

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FEB 17 2017

STATE OF INDIANA
DEPT. OF INSURANCE

FINDINGS OF FACT AND SUSPENSION ORDER

WHEREAS, Eleanor Koger ("Respondent") is a non-resident insurance producer under license # 855463.

WHEREAS, Indiana Code § 27-1-15.8-4(a) requires a surplus lines producer, on or before February 1 and August 1 of each year, to collect from the insured and remit to the Department an amount equal to two and one-half percent (2 1/2%) of "all gross premiums upon all policies and contracts procured by the surplus lines producer under the provisions of this section during the preceding six (6) month period ending December 31 and June 30."

WHEREAS, Indiana Code § 27-1-15.6-12(g) states that a licensed producer must furnish the commissioner with a full and complete report listing each insurer with which the licensee has held an appointment during the year preceding within ten (10) days of a request.

WHEREAS, on November 28, 2016, the Commissioner of the Indiana Department of Insurance ("Commissioner") mailed Respondent a certified letter requesting the semi-annual report and list of appointments.

WHEREAS, on January 5, 2017, the certified mail receipt for article # 91 7190 0005 2720 0065 9023 stated the maximum hold time expired and was in transit back to Indianapolis.

WHEREAS, Respondent has failed to provide the semi-annual report and a list of appointments within ten (10) days as requested by the Commissioner.

WHEREAS, Respondent's failure to provide the list of appointments within ten (10) days constitutes a violation of Indiana Code § 27-1-15.6-12(g).

WHEREAS, Indiana Code § 27-1-15.6-12(h) provides that the Commissioner may, without a hearing and in his sole discretion, issue an order to suspend any insurance license held by the licensee in the event that the licensee fails to remit the list of appointments within ten (10) days.


WHEREAS, pursuant to Indiana Code § 4-21.5-4-4, the Commissioner shall set this matter for hearing on this Order upon a request by Respondent.

IT IS THEREFORE ORDERED BY THE COMMISSIONER that Respondent's license number 855463 is hereby suspended, effective immediately, and will remain suspended until Respondent:

1. Submits the semi-annual report and remits the surplus lines tax owed, and pays the late penalty as set out in Indiana Code § 27-1-15.8-4(h),

2. Submits the list of appointments requested by the Commissioner, and
3. Reaches a Consent Order with the Department for its expenses in obtaining compliance with this matter or schedules a hearing to determine the same.

ALL OF WHICH IS ORDERED the 17th day of February, 2017.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Eleanor Koger
404 W 35th St
Wilmington, DE 19802

Claire Szpara, Attorney
Indiana Department of Insurance
311 West Washington St. #103
Indianapolis, IN 46204