

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 16787-AG18-0123-010

IN THE MATTER OF:)
)
David Mitchell)
5400 US 52)
West Lafayette, IN 47906)
)
Respondent)
)
Type of Agency Action: Enforcement)
)
License Number: 975965)

FILED

JUN 08 2018

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

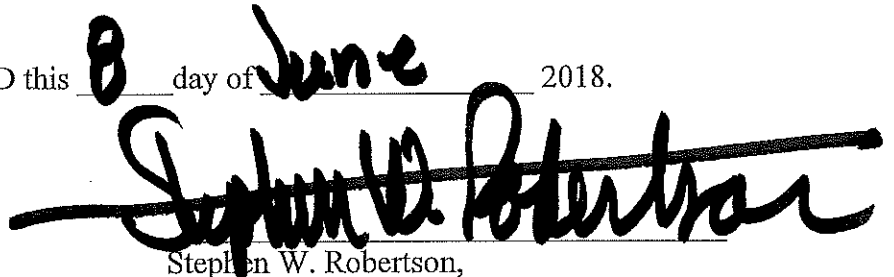
The Enforcement Division of the Indiana Department of Insurance ("Department"), by counsel, Erica J. Dobbs, and David Mitchell ("Respondent"), a licensed resident insurance producer, signed an Agreed Entry which purports to resolve all issues involved in the above-captioned cause number, and which has been submitted to the Commissioner of the Indiana Department of Insurance ("Commissioner") for approval.

The Commissioner, after reviewing the Agreed Entry, wherein Respondent voluntarily surrenders his resident producer's license and agrees not to seek reinstatement or pursue reapplication due to allegations of opening umbrella and/or life insurance policies for clients which they did not authorize, by paying for the policies with cash, and by forging clients' signatures on applications for the policies, 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 975965 shall be surrendered immediately upon execution of this Final Order.
2. Respondent shall not reapply for an insurance producer's license.
3. The Department agrees to accept this agreement as full resolution of this matter.

ALL OF WHICH IS ORDERED this 8 day of June 2018.

A large, bold, handwritten signature in black ink, which appears to read "Stephen W. Robertson". The signature is written over a horizontal line.

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 Mitchell
5400 US 52
West Lafayette, IN 47906

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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, Erica J. Dobbs, and David Mitchell ("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 Indiana resident insurance producer holding license number 975965 since September 2, 2014;

WHEREAS, on or around December 11, 2017, the Department was notified by Indiana Farm Bureau Insurance ("Indiana Farm Bureau") that the company had terminated its contractual agent relationship with Respondent under circumstances which may constitute "for cause";

WHEREAS, Indiana Farm Bureau reported receiving a number of customer complaints regarding policies opened in the customers' names without their knowledge or consent;

WHEREAS, Respondent disputes the veracity of said customer complaints;

WHEREAS, the Department has received sufficient information to take administrative action concerning Respondent's license, including an administrative fine and/or suspension or revocation of Respondent's producer license;

WHEREAS, the Department asserts Respondent's conduct is a violation of Indiana Code § 27-1-15.6-12(b)(8) states, in part, 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;

WHEREAS, Respondent denies his conduct violated Indiana Code § 27-1-15.6-12(b)(8);

WHEREAS, Respondent has been advised of his right to an administrative hearing before a Department administrative law judge; 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:

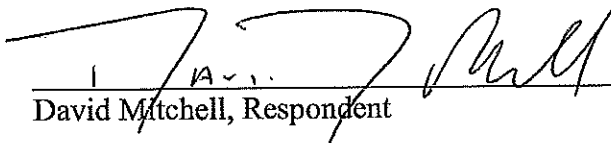
1. The Commissioner has jurisdiction over the subject matter and the Parties to this Agreed Entry.
2. This Agreed Entry is executed voluntarily by the Parties.
3. Respondent voluntarily and freely waives the right to a public hearing on this matter.
4. Respondent voluntarily and freely waives the right to judicial review of this matter.

5. Respondent agrees to surrender all authority Respondent has to conduct insurance business in the State of Indiana, and to surrender his producer license, and he shall not reapply for an insurance producer's license.
6. Should additional violations manifest, this revocation shall be in addition to any administrative actions for the new violation(s).
7. Respondent has carefully read and examined this Agreed Entry and fully understands its terms.
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.
9. Respondent has entered into this Agreed Entry freely, and has not been subject to duress, threat, or undue influence.
10. The Department agrees to accept Respondent's compliance with the terms of this Agreed Entry as full satisfaction of this matter.
11. 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.

6/4/18
Date Signed

5-18-18
Date Signed


Erica J. Dobbs, Attorney #30588-49
Indiana Department of Insurance


David Mitchell, Respondent

STATE OF INDIANA)
COUNTY OF Tippecanoe) SS:

Before me a Notary Public for Tippecanoe County, State of Indiana,
personally appeared David Mitchell, 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 18 day of May, 2018.

Richard M Rolfes
Signature

Richard M Rolfes
Printed

My Commission expires: 12-5-25

County of Residence: Tippecanoe

