

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 17134-AG18-0423-069

IN THE MATTER OF:)

Matthew D. Kerby)
PO Box 303)
Paoli, IN 47454)

Respondent.)

Type of Agency Action: Enforcement)

License No.: 594233)

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 Matthew D. Kerby ("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 permanently revokes Respondent's resident producer's license due to the misuse of client funds and a permanent bar by the Financial Industry Regulatory Authority, 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 insurance producer's license shall be permanently revoked.
2. The Department agrees to accept this agreement as full resolution of this matter.

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


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Erica J. Dobbs, Attorney
ATTN: Calla Dain, Insurance Investigator
Indiana Department of Insurance
311 West Washington St, Suite 103
Indianapolis, Indiana 46204-2787

Matthew D. Kerby
PO Box 303
Paoli, IN 47454

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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 Matthew D. Kerby ("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 resident insurance producer, holding license number 594233;

WHEREAS, on January 16, 2018, Respondent submitted a Letter of Acceptance Waiver, and Consent ("AWC") to the Financial Industry Regulatory Authority ("FINRA");

WHEREAS, according to the AWC, Respondent was permanently barred by FINRA due to allegations of misuse of client funds;

WHEREAS, Respondent's conduct is a violation of Indiana Code § 27-1-15.6-12(b)(9), which states, in part, that the Commissioner permanently revoke and insurance producer's license

for having an insurance producer's license or its equivalent, denied, suspended, or revoked in any other state, province, district or territory.

WHEREAS, Respondent's conduct is in violation of Indiana Code § 27-1-15.6-12(b)(8), which states, in part, that the Commissioner may permanently 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

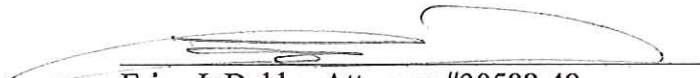
WHEREAS, the Department and Respondent (collectively, the "Parties") desire to resolve this matter without the necessity of a hearing.

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 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 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 of the terms of this agreement will result in the matter being set for a hearing.

6/6/18
Date Signed


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

5-30-18
Date Signed


Matthew D. Kerby, Respondent

STATE OF INDIANA)
) SS:
COUNTY OF Orange)

Before me a Notary Public for Orange County, State of Indiana personally appeared Matthew D. Kerby, 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 30th day of May, 2018.

Keegan Higgs

Signature

Keegan Higgs

Printed

My Commission expires: 01-12-2023

County of Residence: Orange