

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO: 16861-AG18-0228-027

IN THE MATTER OF:

T-Mobile USA
11222 Quail Roost Dr.
Miami, FL 33157-6543

Respondent.

Resident Producer License #: 837660

Type of Agency Action: Enforcement

FILED

OCT 05 2018

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

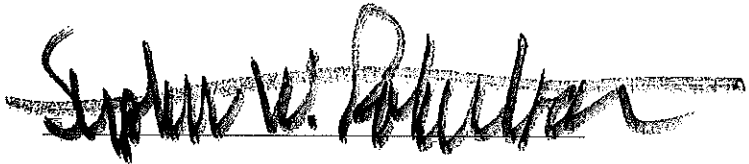
The Enforcement Division of the Indiana Department of Insurance ("Department"), by counsel, Erica J. Dobbs, and T-Mobile USA ("Respondent"), a licensed nonresident portable electronics limited lines producer organization, signed an Agreed Entry which purports to resolve all issues involved in the above-captioned cause number, which has been submitted to the Commissioner of the Indiana Department of Insurance (the "Commissioner") for approval.

The Commissioner, after reviewing the Agreed Entry, which imposes a one thousand dollar (\$1000) civil penalty against Respondent for providing rebates of premium, 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 resolution of this matter.

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Respondent shall pay a civil penalty in the amount of one thousand dollars (\$1000.00), payable within thirty (30) days from the date of this Final Order, for providing rebates of premium in violation of Indiana Code § 27-4-1-4(a)(8).
2. The Department agrees to accept this agreement as full resolution of this matter.

ALL OF WHICH IS ORDERED this 5 day of October, 2018.

A handwritten signature in black ink, appearing to read "Stephen W. Robertson", is written over a horizontal line.

Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Phil Holleman, Senior Investigator
INDIANA DEPARTMENT OF INSURANCE
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204-2787

T-Mobile USA
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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 T-Mobile USA, Inc. ("Respondent"), a nonresident portable electronics limited lines producer organization pursuant to Ind. Code Ann. § 27-1-15.9 *et seq.* 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 nonresident portable electronics limited lines producer organization, holding license number 837660;

WHEREAS, on or about May 31, 2017, Respondent launched a promotion, wherein qualifying customers could receive a prepaid credit card worth up to one thousand dollars (\$1000) if they enrolled in a T-Mobile wireless service plan and enrolled in Respondent's protection plan for portable electronics;

WHEREAS, Respondent notified the Department, in a timely manner, that Georgia entered a Consent Order on November 29, 2017, wherein Georgia determined that grounds existed for an

administrative action against Respondent for providing an inducement to insurance not specified in the contract;

WHEREAS, the promotion was also in effect in Indiana for the same time period;
WHEREAS, seventy-two (72) Indiana consumers received the promotional gift card for enrolling in T-Mobile's wireless service and protection plan for portable electronics;

WHEREAS, Respondent and/or its subsidiaries received no commissions from the plan sales;

WHEREAS, Indiana Code § 27-1-15.6-12(b)(2)(A) authorizes the Commissioner to levy a civil penalty for violating an insurance law;

WHEREAS, Indiana Code § 27-4-1-4(a)(8) is an insurance law, which states, in part, that it is an unfair method of competition and unfair and deceptive act in the business of insurance to knowingly pay or allow, or give, directly or indirectly, as inducement to such insurance, any rebate of premiums payable on the contract;

WHEREAS, the Department asserts Respondent's conduct is a violation of Indiana. Code § 27-4-1-4(a)(8);

WHEREAS, Kelsey Joyce, Vice President of Legal Affairs, and/or Andy Sacks, Senior Vice President of Legal Affairs of T-Mobile USA, are authorized to act on behalf of Respondent and obligate it to perform in accordance with this agreement; and

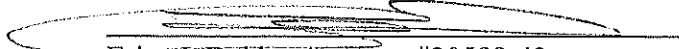
WHEREAS, the Department and Respondent (collectively, the "Parties") desire to resolve this matter without the necessity of a hearing.

IT IS, THEREFORE, NOW AGREED by and between the Parties as follows:

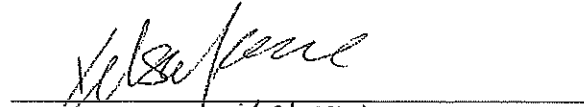
1. The Commissioner has jurisdiction over the subject matter and the Parties to this Agreed Entry.
2. This Agreed Entry is executed voluntarily by the Parties.
3. Respondent voluntarily and freely waives the right to a public hearing on the issues in this matter.
4. Respondent voluntarily and freely waives the right to judicial review of this matter.
5. Respondent shall to pay a civil penalty in the amount of one thousand dollars (\$1000.00) payable to the Department within thirty (30) days after the Commissioner signs the Final Order adopting this Agreed Entry.
6. Should any future violations manifest, further administrative actions will be taken for the new violation(s).
7. The Department agrees to accept Respondent's compliance with the terms of 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 or Respondent 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.

9/26/18
Date Signed


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

9/21/18
Date Signed


Printed Name: Kelsey Joyce
Title: Vice President, Legal
T-Mobile USA, Inc., Respondent

STATE OF WASHINGTON)
) SS:
COUNTY OF KING)

Before me a Notary Public for KING County, State of Washington, personally
appeared Kelsey Joyce being first duly sworn by me upon his oath,
says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 21st day of September, 20 18.



Isabel M. Parker
Signature

Isabel M. Parker
Printed

My Commission expires: 8/19/2020

County of Residence: KING