

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE  
CAUSE NO: 17080-AG18-0628-110

IN THE MATTER OF: )  
 )  
Trustage Insurance Agency, LLC )  
2000 Heritage Way )  
Waverly, IA 50677 )  
 )  
Respondent. )  
 )  
Type of Agency Action: Enforcement )  
 )  
License Number: 839156 )

**FILED**

OCT 01 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 Trustage Insurance Agency, LLC (“Respondent”), an licensed nonresident producer organization, 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 assesses a civil penalty against Respondent in the amount of ten thousand dollars (\$10,000) and requires a business action plan detailing modifications to be made to future solicitations mailed to Indiana consumers, 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 as follows:

1. Respondent shall pay a civil penalty in the amount of ten thousand dollar (\$10,000) within thirty (30) days after the Commissioner executes this Final Order.
2. Respondent shall immediately cease distribution of the misleading solicitation, and shall submit to the Commissioner, within thirty (30) days after the Commissioner executes this Final Order, a corrective action plan describing specific modifications to their business practices, including what corrections and modifications will be made to future solicitations intended for Indiana consumers, for review and approval by the Commissioner.

ALL OF WHICH IS ORDERED this 1 day of October, 2018

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

Erica J. Dobbs, Attorney  
ATTN: Melissa Higgins, Investigator  
**INDIANA DEPARTMENT OF INSURANCE**  
311 West Washington Street, Suite 103  
Indianapolis, Indiana 46204-2787

Trustage Insurance Agency, LLC  
2000 Heritage Way  
Waverly, IA 50677

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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 Trustage Insurance Agency, LLC ("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 nonresident producer organization holding license number 839156 since September 12, 2012;

WHEREAS, Respondent timely disclosed an administrative action taken against it by the Attorney General of the State of New York ("NYAG") on February 12, 2018 regarding potentially misleading solicitations mailed to credit union members;

WHEREAS, between 2015 and 2017, Respondent mailed the same or similar solicitations as those at issue in the New York action to 959,285 Indiana residents;

WHEREAS, between 2015 and 2017, sixty thousand nine hundred and sixty six (60,966) Indiana residents responded to the solicitation, including twenty two thousand four hundred and two (22,422) residents who elected to purchase insurance coverage based on the solicitation;

WHEREAS, Respondent disclosed having received eleven (11) complaints from Indiana residents regarding the solicitation;

WHEREAS, Indiana Code § 27-1-15.6-12(b)(8) states, in part, the Commissioner may levy a civil penalty for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere;

WHEREAS, Kirby Wenger, Vice President – Direct Marketing and Media, is authorized to act on behalf of Respondent and obligate it to perform in accordance with this agreement; and

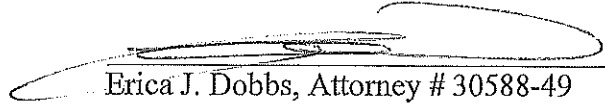
WHEREAS, the Department and Respondent (collectively, the “Parties”) desire to resolve this matter without the necessity of a hearing.

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

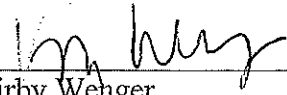
1. The Commissioner has jurisdiction over the subject matter and the Parties to this Agreed Entry.
2. This Agreed Entry is executed voluntarily by the Parties.
3. Respondent voluntarily and freely waives the right to a public hearing on the issues in this matter.
4. Respondent voluntarily and freely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

5. Respondent shall pay a civil penalty in the amount of ten thousand dollars (\$10,000) to the Department within thirty (30) days after the Commissioner executes the Final Order adopting this Agreed Entry.
6. Respondent shall cease distribution of the potentially misleading solicitation, and shall submit to the Commissioner, within thirty (30) days after the Commissioner executes the Final Order adopting this agreed entry, corrections and modifications that will be made to future solicitations intended for Indiana consumers, for review and approval by the Commissioner.
7. Should additional violations manifest, this penalty shall be in addition to any administrative actions for the new violation(s).
8. The Department agrees to accept Respondent's compliance with this agreement as full satisfaction of this matter.
9. Respondent has carefully read and examined this agreement and fully understands and accepts its terms.
10. Respondent has entered into this agreement freely, and has not been subject to duress, threat, or undue influence.
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.
12. 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.

9/27/18  
Date Signed

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

9/24/18  
Date Signed

  
Kirby Wenger  
Vice President – Direct Marketing & Media  
Trustage Insurance Agency, LLC, Respondent

STATE OF ~~IOWA~~ <sup>Wisconsin</sup> )  
COUNTY OF   Dane   ) SS:

Before me a Notary Public for   Dane   County, State of <sup>Wisconsin</sup> ~~Iowa~~,  
personally appeared Kirby Wegner 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   24th   day of   September  , 2018.

  Kelli Banks    
Signature

  Kelli Banks    
Printed

My Commission expires:   8/17/2019  

County of Residence:   Dane  

