

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO: 17531-AG18-0821-137

IN THE MATTER OF:)

Thomas A. Dus)
33078 Lake Road)
Avon Lake, OH 44012)

Respondent.)

Type of Agency Action: Enforcement)

License ID: 138096N)

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 Thomas A. Dus (“Respondent”), a licensed nonresident 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 levies a two hundred fifty dollar (\$250) civil penalty against Respondent for failing to timely disclose criminal charges filed against him, 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 shall pay a two hundred fifty dollar (\$250) civil penalty within thirty (30) days of this Final Order.

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


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

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

Thomas A. Dus
33078 Lake Road
Avon Lake, OH 44012

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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 Thomas A. Dus (“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’s home state is Ohio;

WHEREAS, Respondent is a nonresident licensed producer, holding license number 138096N since June 13, 1986;

WHEREAS, Respondent was charged with Attempted Telephone Harassment, a misdemeanor, on January 27, 2016 in the State of Ohio;

WHEREAS, Respondent appeared for his initial hearing on February 2, 2016;

WHEREAS, Respondent informed the Department of the charges filed against him on August 8, 2018;

WHEREAS, Indiana Code § 27-1-15.6-12(b)(2)(A) states, in part, that the Commissioner may levy a civil penalty against an insurance producer for violating an insurance law;

WHEREAS, Respondent's conduct is a violation of Indiana Code § 27-1-15.6-17(b), an insurance law, which states that not more than thirty (30) days after an initial pretrial hearing date, a producer shall report to the Commissioner any criminal prosecution of the producer initiated in any jurisdiction;


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 of two hundred fifty dollars (\$250) within thirty (30) days of the Commissioner's Final Order accepting this agreed entry.
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.

10/1/18
Date Signed


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

9/24/2018
Date Signed


Thomas A. Dus, Respondent

JOSI U'REN
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 4/29/19

STATE OF OHIO)
) SS:
COUNTY OF LORAIN)

Before me a Notary Public for LORAIN County, State of Ohio personally appeared Thomas A. Dus, 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

Josi Wren
Signature
Josi Wren
Printed

My Commission expires: 4/29/19

County of Residence: medina

JOSI WREN
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 4/29/19