

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
CAUSE NO: 17545-AG18-0907-140

IN THE MATTER OF:)
)
Calton & Assoc. Inc)
2701 N Rocky Point Dr. Ste. 1000)
Tampa, FL 33607)
)
Respondent.)
)
Producer License No.: 288134N)
)
Type of Agency Action: Enforcement)

FILED

NOV 02 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 Calton & Assoc. Inc. (“Respondent”), a licensed nonresident 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 two hundred fifty dollar (\$250) civil penalty against Respondent for failing to timely notify the Commissioner of an administrative action from the State of Louisiana, 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 of Insurance:

1. Respondent shall pay a civil penalty in the amount of two hundred fifty dollars (\$250), payable within thirty (30) days from the date of this Final Order, for failing to timely notify the Commissioner of an administrative action from another state in violation of Indiana Code § 27-1-15.6-17(a).
2. The Department agrees to accept this agreement as full resolution of this matter.

ALL OF WHICH IS ORDERED this 2 day of November 2018.



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

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

Calton & Assoc., Inc
2701 North Rocky Point Dr.
Suite 1000
Tampa, FL 33607

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
CAUSE NO: 17545-AG18-0907-140

IN THE MATTER OF:)
)
Calton & Assoc. Inc)
2701 N Rocky Point Dr. Suite 1000)
Tampa, FL 33607)
)
Respondent.)
)
Producer License No.: 288134N)
)
Type of Agency Action: Enforcement)

FILED
NOV 02 2018
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 Calton & Assoc., Inc. (“Respondent”), a nonresident producer organization licensed to do business in Indiana, to resolve all issues in the above captioned matter. 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 288134N since July 24, 1998;

WHEREAS, on May 23, 2018, The Louisiana Department of Insurance levied a civil penalty against Respondent for failing to disclose seven (7) administrative actions on their original July 9, 2012 nonresident producer organization application;

WHEREAS, Respondent did not disclose the Louisiana action to the Department until August 1, 2018;

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

WHEREAS, Respondent's conduct is a violation of Indiana Code § 27-1-15.6-17(a), an insurance law, which states that a producer shall report to the Commissioner any administrative action taken against the producer in another jurisdiction or by another governmental agency in Indiana not more than thirty (30) days after the final disposition of the matter;

WHEREAS, David S. Cole, Director/Vice President of Calton & Assoc. Inc, is authorized to act on behalf of Respondent and obligate it to perform in accordance with this agreement; and

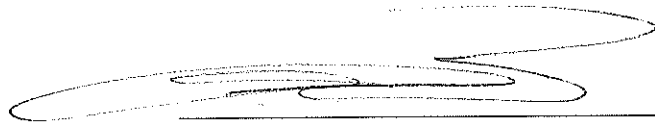
WHEREAS, the Department and Respondent (collectively, the "Parties") desire to resolve this matter without the necessity of a hearing.

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 two hundred fifty dollars (\$250.00) payable to the Department within thirty (30) days after the Commissioner enters 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.

10/26/18
Date Signed


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

10/22/18
Date Signed


David S. Cole, Director/ Vice President,
Calton & Assoc. Inc., Respondent

STATE OF FLORIDA)
COUNTY OF Hillsborough) SS:

Before me a Notary Public for Hillsborough County, State of Florida, personally appeared David Cole being first duly sworn by me upon his oath, says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 22nd day of October, 20 18.

Paul R. Richardson

Signature

PAUL RICHARDSON

Printed

My Commission expires: 9/21/2019

County of Residence: Hillsborough

