

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 17715-IA18-1105-015

IN THE MATTER OF:)

Michael Kisner)
2165 E. 27th St)
Hays, KS 67601)

Applicant.)

Type of Agency Action: Enforcement)

Application ID: 676859)

FILED

DEC 07 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 Michael Kisner (“Applicant”), an applicant for an Indiana designated home state independent adjuster license, 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 grants Applicant a two (2) year probationary designated home state independent adjuster license due to a 2012 Class A Misdemeanor conviction out of Kansas, 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. Applicant's Indiana designated home state independent adjuster license shall be granted and Applicant placed on probation for a period of two (2) years beginning upon the issuance of this final order; during the probationary period, any violations of Title 27 of the Indiana Code will result in the Department seeking immediate revocation of the Applicant's license.
2. The Department agrees to accept this agreement as full resolution of this matter.

ALL OF WHICH IS ORDERED this 7 day of December 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

Michael Kisner
2165 E. 27th St
Hays, KS 67601

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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 Michael Kisner (“Applicant”), 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, on October 01, 2018, Applicant submitted an application for an Indiana designated home state independent adjuster license;

WHEREAS, on said license application, Applicant disclosed a 2012 conviction for Worthless Check, a Class A Misdemeanor, in the state of Kansas;

WHEREAS, Indiana Code § 27-1-28-18(b)(8) states, in part, that the Commissioner may place an independent adjuster on probation for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility, in the conduct of insurance business;


WHEREAS, the Department and Applicant (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. Applicant voluntarily and freely waives the right to a public hearing on the issues in this matter.
4. Applicant voluntarily and freely waives the right to judicial review of this matter.
5. Applicant's Indiana designated home state independent adjuster's license shall be granted and placed on probation for a period of two (2) years, during which time any violations of Title 27 of the Indiana Code will result in the Department seeking immediate revocation of Applicant's license.
6. The two (2) year probationary period shall begin upon the date of the issuance of the Final Order in this matter.
7. The Department agrees to accept Applicant's compliance with this agreement as full satisfaction of this matter.
8. Applicant has carefully read and examined this agreement and fully understands its terms.
9. Applicant 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.
10. Applicant is aware that failure to comply with any of the terms of this agreement will result in the matter being set for a hearing.

11/27/18
Date Signed


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

20NOV18
Date Signed


Michael Kisner, Applicant

STATE OF KANSAS)
) SS:
COUNTY OF JOHNSON)

Before me a Notary Public for JOHNSON County, State of Kansas personally appeared Michael Kisner, 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 20th day of NOVEMBER, 2018.

[Signature]
Signature
JAY R FICKESS
Printed

My Commission expires: 10/26/22

County of Residence: JACKSON

