

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO: 18189-AG19-0424-044

IN THE MATTER OF:

Tracy Walker
5162 Big Tyler Rd. #1
Cross Lanes, WV 25313

Respondent.

Type of Agency Action: Enforcement

Application #: 707152

FILED

MAY 31 2019

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

The Enforcement Division of the Indiana Department of Insurance ("Department"), by counsel, Victoria Hastings, and Tracy Walker ("Respondent"), 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.

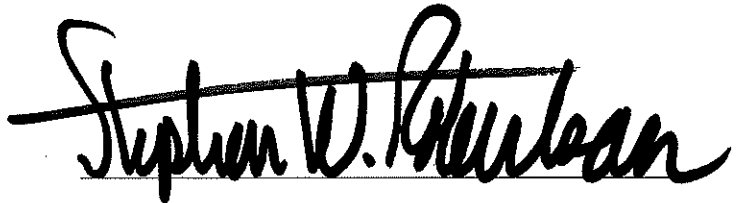
The Commissioner, after reviewing the Agreed Entry, which levies a two hundred fifty dollars (\$250) civil penalty and places Respondent on a two (2) year probation for failing to disclose an administrative action taken against him in another state, finds it has been entered into fairly and without fraud, 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 shall pay a civil penalty of two hundred fifty dollars (\$250) within thirty (30) days of this Final Order.
2. Respondent shall be placed on probation for two (2) years beginning the date of this Final Order, during which time any violations of Title 27 of the Indiana Code will result in the Department seeking immediate revocation of Respondent's license.

5-31-2019

Date Signed

A handwritten signature in black ink that reads "Stephen W. Robertson". The signature is written in a cursive style with a horizontal line drawn through the middle of the name.

Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Victoria Hastings, Attorney
ATTN: Phil Holleman, Investigator
INDIANA DEPARTMENT OF INSURANCE
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204-2787

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STATE OF INDIANA)
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BEFORE THE INDIANA
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CAUSE NO.: 18189-AG19-0424-044

IN THE MATTER OF:)

Tracy Walker)
 5162 Big Tyler Rd. #1)
 Cross Lanes, WV 25313)
 Respondent.)

Type of Agency Action: Enforcement)

Application Number: 707152)

FILED

MAY 31 2019

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, Victoria Hastings, and Tracy Walker ("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 West Virginia, holding license number 474089, which is active and does not expire until August 31, 2019;

WHEREAS, Respondent previously held an Indiana nonresident producer license from June 16, 2007 through June 30, 2011;

WHEREAS, Respondent could not renew his Indiana nonresident license since his home state license was suspended during 2011 and 2012;

WHEREAS, on April 12, 2019, Respondent applied for renewal of his nonresident Indiana producer license;

WHEREAS, Respondent failed to disclose a one year suspension of his West Virginia producer license in May of 2011 for procuring a forged signature;

WHEREAS, Respondent appeared for a hearing before the Insurance Commissioner of West Virginia on February 18, 2011 and admitted that he allowed one of his clients to sign for life insurance policies for two of the client's adult children and one adult grandchild;

WHEREAS, Respondent's West Virginia producer's license was suspended for one year on May 9, 2011 and reinstated on May 9, 2012;

WHEREAS, Indiana Code § 27-1-15.6-12(b)(1) states, in part, that the Commissioner may levy a civil penalty against an insurance producer and/or place an insurance producer on probation for providing incorrect, misleading, incomplete, or materially untrue information in a license application; 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. In order to avoid formal litigation in this matter, Respondent has determined that it is in his best interests to enter into this Agreed Entry. As such, Respondent acknowledges that he executes this Agreed Entry with full realization of its contents and effects.

3. This Agreed Entry is executed knowingly, voluntarily, and freely by the Parties. The Parties agree that the terms of this Agreed Entry constitute final resolution of this matter.
4. Respondent knowingly, voluntarily and freely waives the right to a public hearing on this matter, including the right to appear in person before the Commissioner, present evidence, cross-examine witnesses, and present arguments.
5. Respondent knowingly, voluntarily and freely waives the right to judicial review of this matter or otherwise appeal or challenge the validity of this Agreed Entry.
6. Respondent knowingly, voluntarily, and freely waives, releases, and forever discharges all claims or challenges, known or unknown, against the Department, its Commissioner, employees, agents, and representatives, in their individual and official capacities, that arise out of or are related to the Agreed Entry or Final Order, including but not limited to any act or omission as part of the underlying audit, investigation, negotiation, or approval process.
7. Respondent shall pay a civil penalty of two hundred fifty dollars (\$250) within thirty (30) days of the Commissioner's Final Order adopting this Agreed Entry.
8. Respondent shall be placed on probation for two (2) years, beginning the date the Commissioner enters the Final Order adopting this Agreed Entry.
9. During the term of probation, any violations of Title 27 of the Indiana Code will result in the Department seeking immediate revocation of Respondent's license.

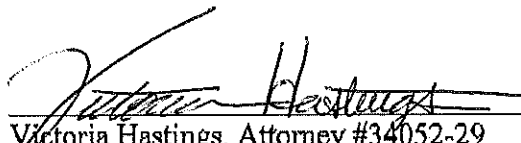
10. Respondent has carefully read and examined this Agreed Entry and fully understands its terms.
11. Respondent has had the opportunity to have this Agreed Entry reviewed by legal counsel of his choosing, at his own expense, and is aware of the benefits gained and obligations incurred by the execution of this Agreed Entry. Respondent understands and agrees that the Department cannot give him legal advice.
12. Respondent has entered into this Agreed Entry knowingly, voluntarily, and freely, and has not been subject to duress, coercion, threat, or undue influence.
13. This Agreed Entry constitutes the entire agreement between the Parties, and no other promises or agreements, express or implied, have been made by the Department or by any employee, director, agent or other representative thereof to induce Respondent to enter this Agreed Entry.
14. The Department agrees to accept Respondent's compliance with the terms of this Agreed Entry as full satisfaction of this matter, and warrants and represents that so long as Respondent complies with the terms of this Agreed Entry, the Department will not bring any further action against Respondent based on the facts that gave rise to this Agreed Entry.
15. In the event the Department finds there has been a breach of any of the provisions of this Agreed Entry, the Department may reopen this matter and pursue alternative action pursuant to Indiana Code § 27-1-15.6-12.
16. Respondent waives any applicable statute of limitations for purposes of any enforcement of the terms and conditions of this Agreed Entry.

17. Respondent acknowledges that this Agreed Entry may be admitted into evidence in any judicial or administrative proceeding against Respondent to enforce the terms and conditions contained herein.
18. Respondent understands that this Agreed Entry resolves only the matter pending with the Department and does not affect any criminal prosecution or civil litigation that may be pending or hereinafter commence against Respondent.
19. This Agreed Entry does not in any way affect the Department's authority in future audits, investigations, examinations, negotiations, or other complaints involving Respondent.
20. It is expressly understood that this Agreed Entry is subject to the Commissioner's acceptance and has no force or effect until such acceptance is evidenced by the entry of a Final Order by the Commissioner.
21. 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.
22. If this Agreed Entry is accepted by the Commissioner, it will become part of Respondent's permanent record and may be considered in future actions brought by the Department or any other regulator against Respondent. It is further understood that, if accepted by the Commissioner, this Agreed Entry and resulting Final Order are public records pursuant to Indiana Code § 4-21.5-3-32 that may not be sealed or otherwise withheld from the public, and

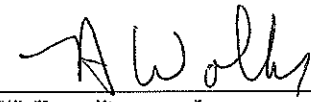
may be reported to the National Association of Insurance Commissioners and published on the Department's website as required.

23. Respondent acknowledges that this is an Administrative Action he may be required to report to other jurisdictions in which he is licensed and on future licensing applications.

5/21/19
Date Signed


Victoria Hastings, Attorney #34052-29
Indiana Department of Insurance

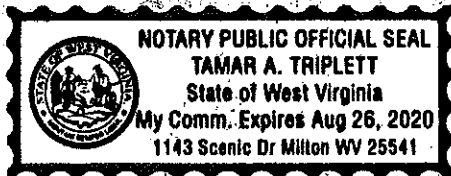
5-15-19
Date Signed


Tracy Walker, Respondent

STATE OF West Virginia)
COUNTY OF Cabell) SS:

Before me a Notary Public for Cabell County, State of West Virginia personally appeared Tracy Walker, 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 15th day of May, 2019.



Tamar A. Triplett
Signature
Tamar A. Triplett
Printed

My Commission expires: Aug 26, 2020
County of Residence: Cabell