

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 17064-AG19-0104-002

IN THE MATTER OF:)
)
Irvin Wayne Brewer)
400 Legacy Blvd)
Greenwood, IN 46143)
)
Respondent.)
)
Type of Agency Action: Enforcement)
)
License Number: 1242500)

FILED

AUG 23 2019

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

The Enforcement Division of the Indiana Department of Insurance (“Department”), by its counsel, Erica J. Dobbs, and Irvin Wayne Brewer (“Respondent”), a licensed resident 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 Insurance (the “Commissioner”) for approval.

The Commissioner, after reviewing the Agreed Entry, which levies a one thousand five hundred dollar (\$1500) civil penalty against Respondent and places Respondent on probation for two (2) years, requiring Respondent complete six (6) hours of continuing education in ethics beyond those required by law within the first year of probation due to misleading communications sent to persons whose accounts were part of a book of business Respondent had previously sold and failing to report an administrative action within thirty (30) days of its finalization. The Commissioner hereby incorporates the Agreed Entry 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 of one thousand five hundred dollars (\$1500) within thirty (30) days of the date of this order.
2. Respondent shall be placed on probation for two (2) years from the date of this order.
3. 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.
4. Within the first twelve (12) months of probation, Respondent shall complete six (6) hours of continuing education in ethics, in addition to those required by Indiana Code § 27-1-15.7-2.

August 23, 2019
Dated


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Erica J. Dobbs
ATTN: Dennis Wood, Supervising Investigator
INDIANA DEPARTMENT OF INSURANCE
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204-2787

Irvin Wayne Brewer
400 Legacy Blvd.
Greenwood, IN 46143

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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 Irvin Wayne Brewer (“Respondent”), a licensed resident insurance producer, to resolve all issues in the above captioned matter. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Commissioner for the Indiana Department of Insurance (“Commissioner”).

WHEREAS, Respondent is a licensed Indiana resident insurance producer, holding license number 1242500 since October 26, 1991;

WHEREAS, Respondent is a registered Indiana investment and Central Registration Depository (“CRD”) advisor representative with CRD number 2184168;

WHEREAS, Respondent is Chief Operating Officer of New Life Financial, LLC (“New Life”), a registered Indiana and CRD investment advisor representative with CRD number 289821;

WHEREAS, on January 7, 2013, Respondent executed an “Agreement for Sale and Purchase of Financial Advisor Practice” through which Respondent sold his financial advisor practice’s book of business to another registered investment advisor representative. Accordingly,

Respondent was no longer an investment advisor representative charged with providing investment advisory services to individuals in that book of business;

WHEREAS, a complaint was filed with the Indiana Secretary of State's office, under cause number 18-0084 CA, concerning certain alleged violations of Indiana security law by New Life, including misrepresentations to former clients;

WHEREAS, Respondent agreed to a Consent Order with the Indiana's Office of the Secretary of State, dated December 3, 2018, under cause number 18-0084 CA. This agreement states that Respondent sent correspondence to clients in the sold book of business,

“[F]alsely conveying that Brewer was the investment adviser representative for the recipients, that Brewer was responsible for the investments maintained by the recipients, and that Brewer was in a special position to ensure that the individuals or their spouses could access their assets in the event of a spouse's incapacitation or death.”

WHEREAS, the Securities Commissioner entered an Order Approving Consent Agreement on December 3, 2018;

WHEREAS, Respondent has not notified the Department of this Administrative Action;

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

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

WHEREAS, Indiana Code § 27-1-15.6-17(a) is 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; and

WHEREAS, the Department and Respondent (collectively, the "Parties") desire to resolve their differences and settle the issues without the necessity of an administrative 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

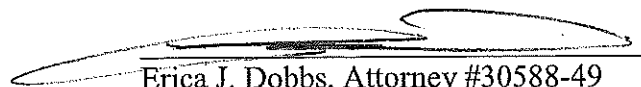
official capacities, that arise out of or are related to the Agreed Entry or Final Order, including but not limited to any act or omission as part of the underlying audit, investigation, negotiation, or approval process.

7. Respondent shall pay a civil penalty of one thousand five hundred dollars (\$1,500) to the Department within ninety (90) days after the Commissioner executes the Final Order adopting this Agreed Entry.
8. Respondent shall be placed on probation for two (2) years, during which time any violations of Title 27 of the Indiana Code will result in the Department seeking immediate revocation of Respondent's license.
9. Within the first twelve months of probation, Respondent shall complete six (6) ethics credit hours, in addition to those required by Indiana Code § 27-1-15.7-2.
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.

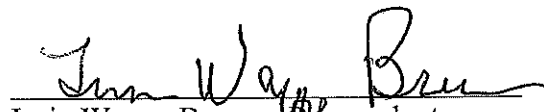
14. The Department agrees to accept Respondent's compliance with the terms of this Agreed Entry as full satisfaction of this matter, and warrants and represents that so long as Respondent complies with the terms of this Agreed Entry, the Department will not bring any further action against Respondent 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.

8/8/2019
Date Signed


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

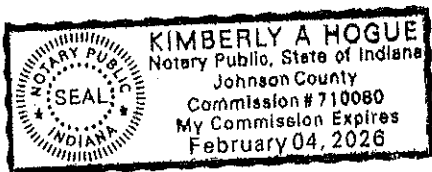
7-20-19
Date Signed


Irvin Wayne Brewer, Respondent

STATE OF INDIANA)
) SS:
COUNTY OF Johnson)

Before me a Notary Public for Johnson County, State of Indiana, personally appeared Irvin Wayne Brewer 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 July, 2019.



Kimberly A Hogue
Signature
Kimberly A Hogue
Printed

My Commission expires: February 04, 2026
County of Residence: Johnson

Return executed originals to:
INDIANA DEPARTMENT OF INSURANCE
Enforcement Division, Suite 103
311 West Washington Street
Indianapolis, IN 46204-2787
317/233-4243 - telephone
317/232-5251 - facsimile