

STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF MARION    )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO: 17864-AG19-0306-033

IN THE MATTER OF:

Apex Longevity, LLC.  
5534 Saint Joe Road  
Fort Wayne, IN 46835

Respondent.

No License

Type of Action: Enforcement

**FILED**

AUG 16 2019

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

The Enforcement Division of the Indiana Department of Insurance ("Department"), by counsel, Erica J. Dobbs, and Apex Longevity, LLC. ("Respondent"), an unauthorized Discount Medical Card Program Organization ("DMPO"), 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 imposes a four thousand five hundred dollar (\$4,500) civil penalty against Respondent for selling eighteen (18) DMPO cards to Indiana consumers while not properly registered with the Department, 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 resolution of this matter.

IT IS THEREFORE ORDERED by the Commissioner as follows:

1. Respondent shall pay a civil penalty in the amount of four thousand five hundred dollars (\$4,500) within thirty (30) days of this Final Order.
2. Respondent shall cease and desist transacting business in Indiana, unless and until proper DMPO registration is obtained.

**8-16-2019**

Date Signed

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

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

Apex Longevity, LLC.  
ATTN: Jeffrey J. Wisdo, JD  
5534 Saint Joe Road  
Fort Wayne, IN 46835

Apex Longevity, LLC  
36901 American Way  
Suite 7  
Avon, OH 44011

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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 Apex Longevity, LLC. ("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 is acting as a Discount Medical Card Program Organization ("DMPO") as defined by Indiana Code § 27-17-1-6;

WHEREAS, Indiana Code § 27-17-2-1 states that a DMPO may not transact business in Indiana unless the DMPO is authorized to transact business in Indiana and registered with the Department;

WHEREAS, Respondent is not registered with the Department as a DMPO;

WHEREAS, Respondent has sold DMPO cards to eighteen (18) Indiana consumers while not registered as a DMPO;

WHEREAS, Respondent's conduct is a violation of Indiana Code § 27-17-2-1;

WHEREAS, Indiana Code § 27-17-14-1 authorizes the Department to impose a civil penalty of at least five hundred dollars (\$500) and not more than fifty thousand dollars (\$50,000) for each violation of Indiana Code § 27-17-2-1;

WHEREAS, Indiana Code § 27-17-14-2 states that the Unauthorized Insurers Act (Indiana Code § 27-4-5 *et al*) applies to a DMPO that operates without registration as if the DMPO were an unauthorized insurer;

WHEREAS, pursuant to Indiana Code § 27-4-5-3, when the Commissioner believes that any insurer is violating the provisions of the Unauthorized Insurers Act, the Commissioner may cause a complaint to be filed in the circuit or superior court to enjoin and restrain the insurer from continuing such violation;

WHEREAS, Jeffrey J. Wisdo, JD, Compliance Officer of Apex Longevity, LLC., 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. In order to avoid formal litigation in this matter, Respondent has determined that it is in their best interests to enter into this Agreed Entry. As such, Respondent acknowledges that they execute 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 four thousand five hundred dollars (\$4,500) within thirty (30) days after the Commissioner executes the Final Order adopting this Agreed Entry.
8. In lieu of the Department seeking injunctive relief as authorized by Indiana Code § 27-4-5-3, Respondent agrees to cease and desist transacting business in Indiana unless and until proper DMPO registration is obtained.
9. Respondent has carefully read and examined this Agreed Entry and fully understands its terms.
10. Respondent has had the opportunity to have this Agreed Entry reviewed by legal counsel of their choosing, at their 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 them legal advice.

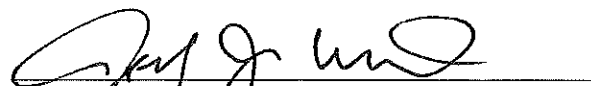
11. Respondent has entered into this Agreed Entry knowingly, voluntarily, and freely, and has not been subject to duress, coercion, threat, or undue influence.
12. This Agreed Entry constitutes the entire agreement between the Parties, and no other promises or agreements, express or implied, have been made by the Department or by any employee, director, agent or other representative thereof to induce Respondent to enter this Agreed Entry.
13. 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.
14. 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 §§ 27-17-14-2 and 27-4-5 *et. al.*
15. Respondent waives any applicable statute of limitations for purposes of any enforcement of the terms and conditions of this Agreed Entry.
16. 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.
17. 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.
18. This Agreed Entry does not in any way affect the Department's authority in future audits, investigations, examinations, negotiations, or other complaints involving Respondent.

19. 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.
20. 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.
21. 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.
22. Respondent acknowledges that this is an Administrative Action they may be required to report to other jurisdictions in which they are registered and on future registration applications.

8/7/19  
Date Signed

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

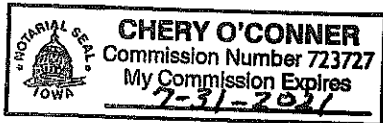
7/29/19  
Date Signed

  
Jeffery J. Wisdo, JD, Compliance Officer  
Apex Longevity, LLC.

STATE OF IOWA )  
COUNTY OF LINN ) SS:

Before me a Notary Public for LINN County, State of Iowa,  
personally appeared Jeffery J. Wisdo, on behalf of Apex Longevity, LLC., 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 29<sup>th</sup> day of July, 2019.



Chery O'Conner  
Signature

CHERY O'CONNER  
Printed

My Commission expires: 7-31-2021

County of Residence: BUCHANAN