

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 18330-AG19-0621-083

IN THE MATTER OF:)
)
Eldon Neighbor)
PO Box 177)
Alburnett, IA 52202)
)
Respondent.)
)
Type of Agency Action: Enforcement)
)
License Number: 793355)

FILED

AUG 29 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 Eldon Neighbor (“Respondent”), a nonresident insurance producer licensed to do business in Indiana, 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.

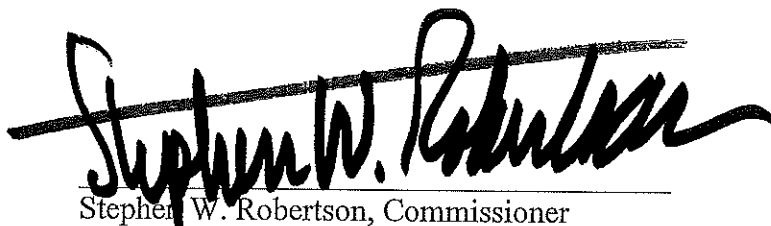
The Commissioner, after reviewing the Agreed Entry, in which Respondent agrees to surrender his license and not reapply for licensure due to Respondent’s attempts to convince an injured worker to file a workers compensation claim with his part-time employer, rather than with his full-time employer where he had sustained the injury, and resultant loss of Respondent’s home state producer’s license, 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 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 surrender his Indiana nonresident insurance producer license number 793355, and all authority Respondent has to conduct insurance business in the State of Indiana, effective immediately upon the execution of this Final Order.
2. Respondent shall not reapply for licensure.

8-29-2019

Dated

A handwritten signature in black ink, reading "Stephen W. Robertson", written over a horizontal line.

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

Eldon Neighbor
PO Box 177
Alburnett, IA 52202

STATE OF INDIANA)
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 COUNTY OF MARION)
 IN THE MATTER OF:)
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 Eldon L. Neighbor)
 PO Box 177)
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 Type of Agency Action: Enforcement)
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 COMMISSIONER OF INSURANCE
 CAUSE NO.: 18330-AG19-0621-083

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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 Eldon R. Neighbor (“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 a licensed nonresident insurance producer, holding license number 793355 since December 2, 2011;

WHEREAS, Respondent’s home state is Iowa;

WHEREAS, on or about June 3, 2019, the Department received a notice of termination for cause from Pekin Insurance (“Pekin”), due to Respondent’s failure to submit a worker’s compensation claim to Pekin, allegation that he misled the consumer into believing he was an adjuster, and further allegation that he encouraged the consumer to submit the worker’s compensation claim through his part-time employer rather than his full-time employer, where the

injury actually occurred;

WHEREAS, Respondent has surrendered his Iowa producer's license and no longer holds producer licensure in his resident state;

WHEREAS, Indiana Code § 27-1-15.6-12(b)(2)(A) states, in part, that the Commissioner may revoke an insurance producer's license for violating an insurance law;

WHEREAS, Indiana Code § 27-1-15.6-8(f) is an insurance law, which states that a nonresident producer licensee shall maintain licensure in good standing in the nonresident producer's home state;

WHEREAS, Indiana Code § 27-1-15.6-12(b)(8) states that the Commissioner may revoke an insurance producer's license for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere;

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 surrender his Indiana insurance producer license number 793355, and all authority Respondent has to conduct insurance business in the State of Indiana, effective immediately upon the Commissioner's execution of the Final Order adopting this Agreed Entry.

8. Respondent shall not reapply for licensure unless and until he may, if ever, seek and have his licenses reinstated in his home state of Iowa.

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 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.

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 § 27-1-15.6-12.

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 prejudice the Commissioner or Respondent from further participation in or resolution of these proceedings.

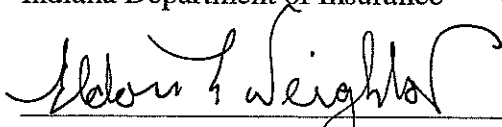
21. If this Agreed Entry is accepted by the Commissioner, it will become part of Respondent's permanent record and may be considered in future actions brought by the Department or any other regulator against Respondent. It is further understood that, if accepted by the Commissioner, this Agreed Entry 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 he may be required to report to other jurisdictions in which he is licensed and on future licensing applications.

8/27/19
Date Signed

8/20/19
Date Signed


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


Eldon R. Neighbor, Respondent

STATE OF IOWA)
) SS:
COUNTY OF Linn)

Before me a Notary Public for Linn County, State of Iowa, personally appeared Eldon R. Neighbor, 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 August, 2019.



Gina M Stevenson
Signature

Gina M Stevenson
Printed

My Commission expires: September 18 2021

County of Residence: Linn