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| **STATE OF INDIANA** | ) | **BEFORE THE INDIANA** |
| | ) **SS:** | **COMMISSIONER OF INSURANCE** |
| **COUNTY OF MARION** | ) | |
| | | **CAUSE NO.: 19813-AG20-1005-179** |
| **IN THE MATTER OF:** | ) | |
| | ) | |
| **Lindsey J. Jarvis** | ) | |
| **4657 Willowbrook Dr.,** | ) | |
| **Columbus, IN 47203** | ) | |
| | ) | |
| **Applicant.** | ) | |
| | ) | |
| **Type of Agency Action: Enforcement** | ) | |
| | ) | |
| **License Application #: 803424** | ) | |

FILED

NOV 05 2020

STATE OF INDIANA
DEPT. OF INSURANCE

## FINAL ORDER

The Enforcement Division of the Indiana Department of Insurance ("Department"), by counsel, Victoria Hastings, and Lindsey J. Jarvis ("Applicant"), an applicant for an Indiana resident producer 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 one (1) year probationary resident producer license, during which time, Applicant shall submit a current list of appointments to the Department every six (6) months by US Postal Service, due to Applicant's 2000 felony conviction, 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 resident producer license shall be granted and Applicant's license shall be placed on probation for a period of one (1) year beginning the date of this Final Order.
2. 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.
3. During the probationary period, Applicant shall submit a current list of appointments to the Department every six (6) months from the date of the Final Order by US Postal Service.

11-5-2020
Date Signed

Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Victoria Hastings, Attorney
ATTN: Calla Dain, Insurance Investigator
Indiana Department of Insurance
311 West Washington St, Suite 103
Indianapolis, Indiana 46204-2787

Lindsey J. Jarvis
4657 Willowbrook Dr.,
Columbus, IN 47203

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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, Victoria Hastings, and Lindsey J. Jarvis ("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 August 31, 2020, Applicant submitted an application for an Indiana resident producer license;

WHEREAS, on said license application, Applicant disclosed an October 31, 2000, conviction for Operating a Vehicle While Intoxicated, a Class D Felony;

WHEREAS, Indiana Code § 27-1-15.6-12(b)(6) states, in part, that the Commissioner may place a producer on probation for having been convicted of a felony; and

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. In order to avoid formal litigation in this matter, Applicant has determined that it is in her best interests to enter into this Agreed Entry. As such, Applicant acknowledges that she 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. Applicant 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. Applicant 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. Applicant 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. Applicant's Indiana resident producer's license shall be granted, and Applicant shall be placed on probation for a period of one (1) year, which shall begin upon

the date the Commissioner signs the Final Order adopting this Agreed Entry. During the probationary period, any violations of Title 27 of the Indiana Code will result in the Department seeking immediate revocation of Applicant's license. During the probationary period, Applicant shall submit a current list of appointments to the Department every six (6) months from the date of the Final Order by US Postal Service.

8. Applicant has carefully read and examined this Agreed Entry and fully understands its terms.

9. Applicant has had the opportunity to have this Agreed Entry reviewed by legal counsel of her choosing, at her own expense, and is aware of the benefits gained and obligations incurred by the execution of this Agreed Entry. Applicant understands and agrees that the Department cannot give her legal advice.

10. Applicant has entered into this Agreed Entry knowingly, voluntarily, and freely, and has not been subject to duress, coercion, threat, or undue influence.

11. 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 Applicant to enter this Agreed Entry.

12. The Department agrees to accept Applicant's compliance with the terms of this Agreed Entry as full satisfaction of this matter, and warrants and represents that so long as Applicant complies with the terms of this Agreed Entry, the Department will not bring any further action against Applicant based on the facts that gave rise to this Agreed Entry.

13. 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.

14. Applicant waives any applicable statute of limitations for purposes of any enforcement of the terms and conditions of this Agreed Entry.

15. Applicant acknowledges that this Agreed Entry may be admitted into evidence in any judicial or administrative proceeding against Applicant to enforce the terms and conditions contained herein.

16. Applicant 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 Applicant.

17. This Agreed Entry does not in any way affect the Department's authority in future audits, investigations, examinations, negotiations, or other complaints involving Applicant.

18. 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.

19. 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 Applicant from further participation in or resolution of these proceedings.

20. If this Agreed Entry is accepted by the Commissioner, it will become part of Applicant's permanent record and may be considered in future actions brought by

the Department or any other regulator against Applicant. 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.

21. Applicant acknowledges that this is an Administrative Action she may be required to report to other jurisdictions in which she is licensed and on future licensing applications.

10/30/2020
Date Signed

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

10-30-2020
Date Signed

Lindsey J. Jarvis, Applicant

**STATE OF INDIANA** )
) **SS**
**COUNTY OF** Marion )




Before me a Notary Public for Johnson County, State of Indiana personally appeared Lindsey J. Jarvis, and being first duly sworn by me upon her oath, says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 30 day of OCTOBER, 2020.

Signature

Cynthia Stidham
Printed

My Commission expires: 2-18-26

County of Residence: Johnson