

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )  
  
IN THE MATTER OF: )  
 )  
Derrick Howell-McQueen )  
3950 N. Lakeshore Drive, Apt. 1409-B, )  
Chicago, IL 60613 )  
 )  
Respondent. )  
 )  
Type of Agency Action: Enforcement )  
 )  
License Application #: 775975 )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE  
  
CAUSE NO.: 19386-AG20-0505-075


FILED  
APR 01 2021  
STATE OF INDIANA  
DEPT. OF INSURANCE

**ORDER VACATING FINAL ORDER SEPTEMBER 10, 2020**

Comes now the Enforcement Division of the Indiana Department of Insurance and files its Motion to Vacate Final Order from September 10, 2020. The Commissioner of the Indiana Department of Insurance, having reviewed the same, now issues the following order:

1. The Final Order issued on September 10, 2020, against Derrick Howell-McQueen is hereby vacated.

Dated: 4-1-2021

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

Victoria Hastings, Attorney  
ATTN: Steve Embree, Investigator  
Indiana Department of Insurance  
311 W. Washington St., Suite 103  
Indianapolis, IN 46204

Derrick Howell-McQueen  
3950 N. Lakeshore Drive, Apt. 1409-B,  
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STATE OF INDIANA  
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**MOTION TO VACATE FINAL ORDER FROM SEPTEMBER 10, 2020**

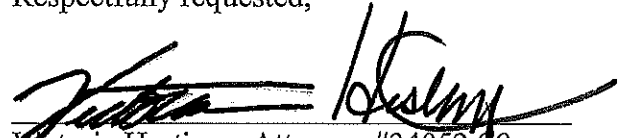
The Enforcement Division, by counsel, Victoria Hastings, now moves that the Final Order of September 10, 2020, be vacated due to new information that the Department received on November 20, 2020. In support thereof, the Department states as follows:

1. On October 16, 2019, the Illinois Department of Insurance issued an Order of Suspension against the license of Respondent due to a not sufficient funds payment for licensing fees.
2. On December 16, 2019, the Illinois Department of Insurance reinstated Respondent's license after Respondent made a subsequent sufficient payment.
3. On April 24, 2020, Respondent submitted an application for a nonresident producer license in Indiana.
4. On April 24, 2020, Respondent purportedly failed to disclose the administrative action from the Illinois Department of Insurance.

5. On or around August 25, 2020 and September 3, 2020, the Enforcement Division of the Indiana Department of Insurance and Respondent entered into an Agreed Entry (“Agreed Entry”) to resolve the purported failure to disclose.
6. The Agreed Entry granted Respondent a nonresident producer license and levied a civil penalty in the amount of two hundred fifty dollars (\$250) against Respondent.
7. On September 10, 2020, the Commissioner of the Indiana Department of Insurance issued a Final Order, which adopted in full the Agreed Entry.
8. On November 20, 2020, the Illinois Department of Insurance informed the Indiana Department of Insurance that the Order of Suspension from October 16, 2019, did not constitute an administrative action, and that it should not have been reported to the National Insurance Producer Registry (“NIPR”) and had been corrected effective November 19, 2020.
9. On November 20, 2020, the Illinois Department of Insurance provided a written statement to the Indiana Department of Insurance indicating that Respondent’s license had been temporarily cancelled due to an issue with a licensing fee payment and was subsequently reinstated after having been reported to NIPR in error.
10. Therefore, Respondent’s application to the Indiana Department of Insurance on April 24, 2020, was factually correct and Respondent did not fail to disclose an administrative action on his Indiana application for licensure.

WHEREFORE, the Department respectfully requests that the Commissioner vacate the September 10, 2020 Final Order, and for all other relief just and proper in the premises.

Respectfully requested,

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

STATE OF INDIANA )  
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COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 19386-AG20-0505-075

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Applicant. )  
 )  
Type of Agency Action: Enforcement )  
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License Application #: 775975 )

**FILED**

**SEP 10 2020**

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

The Enforcement Division of the Indiana Department of Insurance (“Department”), by counsel, Victoria Hastings, and Derrick Howell-McQueen (“Applicant”), a nonresident producer applicant, 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 Indiana Department of Insurance (“Commissioner”) for approval.

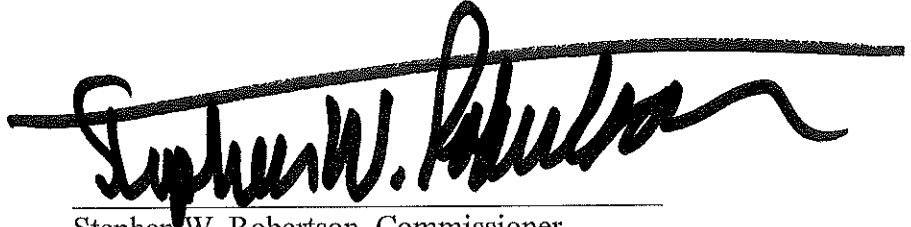
The Commissioner, after reviewing the Agreed Entry, which levies a civil penalty in the amount of two hundred fifty dollars (\$250) due to Applicant’s failure to disclose an administrative action on his application, finds it has been entered into fairly and without fraud, duress, or undue influence, 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 of Insurance:

1. Applicant's nonresident producer license shall be approved contingent upon Applicant timely paying the civil penalty. Applicant shall pay a civil penalty in the amount of two hundred fifty dollars (\$250) to the Department within thirty (30) days after the Commissioner signs this Final Order.

**9-10-2020**

Date Signed

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

Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

Victoria Hastings, Attorney  
ATTN: Steven A. Embree, Investigator  
Indiana Department of Insurance  
311 West Washington Street, Suite 103  
Indianapolis, Indiana 46204-2787

Derrick Howell-McQueen  
3950 N. Lakeshore Drive, Apt. 1409-B,  
Chicago, IL 60613

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 19386-AG20-0505-075

IN THE MATTER OF: )  
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3950 N. Lakeshore Drive, Apt. 1409-B, )  
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Type of Agency Action: Enforcement )  
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License Application #: 775975 )

FILED  
SEP 10 2020  
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 Derrick Howell-McQueen (“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 April 24, 2020, Applicant applied for an Indiana nonresident producer license;

WHEREAS, on said application, Applicant, failed to disclosed an October 16, 2019, Illinois administrative action;

WHEREAS, on October 16, 2019, the Illinois Department of Insurance took administrative action, suspending Applicant’s producer license for a nonsufficient funds payment (“NSF”) associated with licensing fees;

WHEREAS, on December 16, 2019, the Illinois Department of Insurance reinstated Applicant’s producer license after being reimbursed for the NSF payment;



WHEREAS, Indiana Code § 27-1-15.6-12(b)(1) states, in part, that the Commissioner may levy a civil penalty for providing incorrect, misleading, incomplete, or materially untrue information on a license application; 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 his best interest to enter into this Agreed Entry. As such Applicant 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. 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 nonresident producer license shall be approved contingent upon Applicant's timely payment of the civil penalty. Applicant shall pay a civil penalty in the amount of two hundred fifty dollar (\$250) to the Department within thirty (30) days after the Commissioner signs the Final Order adopting this Agreed Entry. Failure to timely pay the civil penalty may result in the Department denying Applicant's application for nonresident producer license.
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 his choosing, at his 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 him legal advice.
10. Applicant has entered into this agreement 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 provision 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, the 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 and that he may be required to report to other jurisdictions in which he is licensed and on future applications.

9/3/2020  
Date Signed

  
Victoria Hastings, Attorney #34062-29  
Indiana Department of Insurance

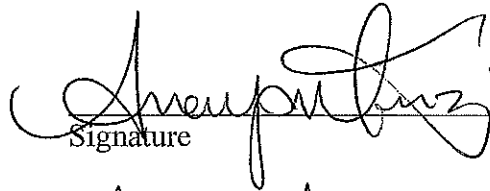
8/25/2020  
Date Signed

  
Derrick Howell-McQueen, Applicant

STATE OF ILLINOIS )  
 ) SS:  
COUNTY OF COOK )

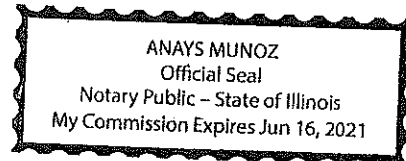
Before me a Notary Public for COOK County, State of Illinois,  
personally appeared Derrick Howell-McQueen, and being first duly sworn by me upon his oath,  
says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 25<sup>th</sup> day of August, 2020.

  
Signature  
ANAYS MUNOZ  
Printed

My Commission expires: June 16, 2021 

County of Residence: COOK



**Return executed originals to:**  
INDIANA DEPARTMENT OF INSURANCE  
Enforcement Division, Suite 103  
311 West Washington Street  
Indianapolis, IN 46204-2787  
317/234-5883 - telephone  
317/234-5882 - facsimile