

STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF MARION    )

**BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE**

**CAUSE NO.: 19624-AG20-0812-137**

**IN THE MATTER OF:**                     )

**Kim L. Brown**                             )  
**P.O. Box 25407,**                         )  
**Woodbury, MN 55125-0407**             )

**Respondent.**                             )

**Type of Agency Action: Enforcement**    )

**License Number: 390662**                    )

**FILED**

**MAY 12 2021**

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

The Enforcement Division of the Indiana Department of Insurance ("Department"), by counsel, Victoria Hastings, and Kim L. Brown ("Respondent"), a licensed nonresident 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 the Indiana Department of Insurance ("Commissioner") for approval.

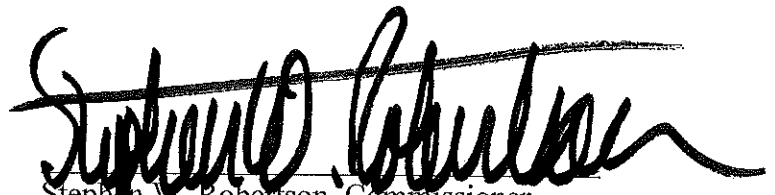
The Commissioner, after reviewing the Agreed Entry, which places Respondent on probation for a period of two (2) years, during which time, Respondent will be required to submit a current list of appointments to the Department by US Postal Service every six (6) months from the date of this Final Order, and imposes a civil penalty in the amount of seven hundred fifty dollars (\$750.00) against Respondent for Respondent's failure to timely report three (3) administrative actions by other states, finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between 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. Respondent's nonresident producer license shall be renewed contingent upon Respondent's timely payment of the civil penalty. Respondent shall pay a civil penalty in the amount of seven hundred fifty dollars (\$750.00) to the Department within thirty (30) days after the Commissioner signs this Final Order.
2. Respondent's nonresident producer license shall be placed on probation for a period of two (2) years, beginning the date the Commissioner signs this Final Order.
3. During the probationary period, any violation of Title 27 of the Indiana Code will result in the Department seeking immediate revocation of Respondent's license.
4. During the probationary period, Respondent shall submit a current list of appointments to the Department by US Postal Service every six (6) months from the date of this Final Order.

5-12-2021

Date Signed



Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

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

Kim L. Brown  
P.O. Box 25407,  
Woodbury, MN 55125-0407

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MAY 12 2021

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 Kim L. Brown ("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, on July 15, 2020, Respondent applied for the renewal of nonresident producer license 390662 which was issued on July 3, 2000;

WHEREAS, on July 9, 2016, the Minnesota Department of Commerce issued a Consent Order and imposed a civil penalty due to Respondent having been engaged in rebating;

WHEREAS; Respondent did not disclose Minnesota's administrative action to the Department until June 25, 2018;

WHEREAS, on February 26, 2018, the Wyoming Department of Insurance issued a Default Order and imposed a civil penalty revoking Respondent's nonresident producer license due to Respondent's failure to timely report administrative actions during her licensure;

WHEREAS, Respondent did not disclose Wyoming's administrative action to the Department until July 23, 2019;

WHEREAS, on March 14, 2019, the State of Missouri, Department of Insurance, issued a Voluntary Forfeiture Agreement imposing a civil penalty due to Respondent's failure to timely report other administrative actions;

WHEREAS, Respondent did not disclose Missouri's administrative action to the Department until July 23, 2019;

WHEREAS, Indiana Code § 27-1-15.6-12(b)(9) states, in part, that the Commissioner may levy a civil penalty and place a producer on probation for having an insurance producer license, or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory;

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

WHEREAS, Indiana Code § 27-1-15.6-17(a) which is an insurance law that states, in part, 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 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 her best interest to enter into this Agreed Entry. As such Respondent 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. 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's nonresident producer license shall be renewed contingent upon Respondent's timely payment of the civil penalty. Respondent shall pay a civil penalty in the amount of seven hundred fifty dollars (\$750.00) 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 Respondent's application for nonresident producer license.

8. Respondent's nonresident producer license shall be placed on probation for a period of two (2) years, beginning the date the Commissioner signs the Final Order adopting this Agreed Entry. During the probationary period, any violation of Title 27 of the Indiana Code will result in the Department seeking immediate revocation of Respondent's license. During the probationary period, Respondent 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.
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 her choosing, at her 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 her legal advice.
11. Respondent has entered into this agreement 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

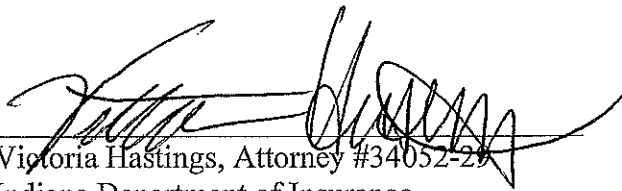
long as Respondent complies with the terms of this Agreed Entry, the Department will not bring any further action against Respondent based on the facts that gave rise to this Agreed Entry.

14. In the event the Department finds there has been a breach of any provision 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

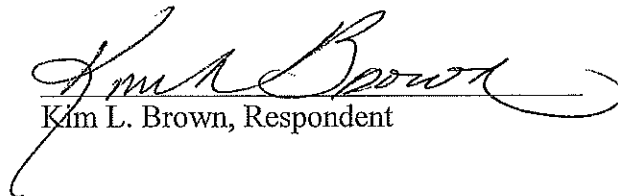
not unfairly or illegally prejudice the Commissioner or Respondent from further participation in or resolution of these proceedings.

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, 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.
22. Respondent acknowledges that this is an Administrative Action and that she may be required to report to other jurisdictions in which she is licensed and on future applications.

4/13/2021  
Date Signed

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

2/17/21  
Date Signed

  
Kim L. Brown, Respondent



STATE OF MINNESOTA )  
COUNTY OF Washington ) SS:

Before me a Notary Public for Washington County, State of Minnesota,  
personally appeared Kim L. Brown, 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 17<sup>th</sup> day of Feb, 2021.

THA  
Signature  
Tricia K Hinz  
Printed

My Commission expires: Jan 31, 2024  
County of Residence: Washington Co, MN



**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