

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 19638-AG20-1222-221

IN THE MATTER OF:)

Hank Ellis Gordon)
18450 Summit Avenue,)
Suite 230,)
Oakbrook Terrace, IL 60181)

Respondent.)

Type of Agency Action: Enforcement)

License Number: 586478)

FILED

JUN 14 2021

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER


The Enforcement Division of the Indiana Department of Insurance (“Department”), by counsel, Victoria Hastings, and Hank Ellis Gordon (“Respondent”), a nonresident insurance 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 imposes a one thousand dollar (\$1,000) civil penalty against Respondent, places Respondent’s nonresident producers license on probation for a period of two (2) years, and requires to acquire six (6) additional ethics credits due to the nature of Respondent’s termination for cause and due to Respondent failing to disclose his criminal convictions on his applications for licensure, 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. Respondent shall pay a civil penalty in the amount of one thousand dollars (\$1,000) to the Department in two (2) monthly installments of no less than five hundred dollars (\$500) per installment payment, with the first payment due within thirty (30) days after the date the Commissioner signs this Final Order, and the second payment due within sixty (60) days after the date the Commissioner signs this Final Order. Failure to timely pay the civil penalty of one thousand dollars (\$1,000) may result in the Department non-renewing Respondent's nonresident producer license or taking a different administrative action.
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. During the probationary period, any violations 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.
3. Respondent shall acquire six (6) additional continuing education ethics credits by January 31, 2022. Failure to complete the six additional continuing education ethics credits may result in the Department non-renewing Respondent's nonresident producer license or taking a different administrative action.

6/14/21
Dated


Amy L. Beard, Commissioner
Indiana Department of Insurance

Distribution:

Victoria Hastings, Attorney
ATTN: Taylor Peycha, Investigator
INDIANA DEPARTMENT OF INSURANCE
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204-2787

Hank Ellis Gordon
18450 Summit Avenue
Suite 230
Oakbrook Terrace, IL 60181

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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, Victoria Hastings, and Hank Ellis Gordon (“Respondent”), to resolve all issues in the above-captioned cause number. This Agreed Entry is subject to the review and approval of Amy L. Beard, Commissioner of the Indiana Department of Insurance (“Commissioner”).

WHEREAS, Respondent was a licensed nonresident producer from March 11, 2008 through January 31, 2017, which expired due to Respondent failing to renew it;

WHEREAS, on March 25, 2014, Respondent disclosed to the Department for the first time, a January 10, 2005, conviction for Carry/Possess Firearm, a Class A Misdemeanor, and January 13, 2012, conviction for Attempt Resisting Peace Officer, a Class A Misdemeanor;

WHEREAS, Respondent failed to disclose his criminal convictions on his 2008 application for licensure;

WHEREAS, Respondent reactivated his nonresident producer license on March 1, 2019;

WHEREAS, on his 2019 application, Respondent failed to disclose his criminal convictions;

WHEREAS, on July 23, 2020, Mutual of Omaha (“Omaha”) notified the Department that Respondent was terminated for cause due to lack of fitness;

WHEREAS, Omaha stated that Respondent submitted a life insurance application for a consumer without authorization;

WHEREAS, Respondent’s conduct is a violation of Indiana Code § 27-1-15.6-12(b)(1), which states that the Commissioner may place an insurance producer on probation and levy a civil penalty for providing incorrect, misleading, incomplete, or materially untrue information in a license application;

WHEREAS, Respondent’s conduct is a violation of Indiana Code § 27-1-15.6-12(b)(8), which states that the Commissioner may place an insurance producer on probation and levy a civil penalty for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere; 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 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 pay a civil penalty of one thousand dollars (\$1,000) to the Department in two (2) monthly installments of no less than five hundred dollars (\$500) per installment payment, with the first payment due within thirty (30) days after the date the Commissioner signs the Final Order adopting this Agreed Entry, and the second payment due within sixty (60) days after the date the Commissioner signs the Final Order adopting this Agreed Entry. Failure to timely pay the civil penalty of one thousand dollars (\$1,000) may result in the Department non-

renewing Respondent's nonresident producer license or taking a different administrative action.


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 violations 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 shall acquire six (6) additional continuing education ethics credits by January 31, 2022. Failure to complete the six additional continuing education ethics credits may result in the Department non-renewing Respondent's nonresident producer license or taking a different administrative action.
10. Respondent has carefully read and examined this Agreed Entry and fully understands its terms.
11. 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.
12. Respondent has entered into this Agreed Entry knowingly, voluntarily, and freely, and has not been subject to duress, coercion, threat, or undue influence.
13. 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.

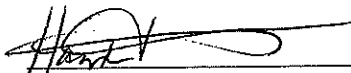
14. The Department agrees to accept Respondent's compliance with the terms of this Agreed Entry as full satisfaction of this matter, and warrants and represents that so long as Respondent complies with the terms of this Agreed Entry, the Department will not bring any further action against Respondent based on the facts that gave rise to this Agreed Entry.
15. 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.
16. Respondent waives any applicable statute of limitations for purposes of any enforcement of the terms and conditions of this Agreed Entry.
17. 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.
18. 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.
19. This Agreed Entry does not in any way affect the Department's authority in future audits, investigations, examinations, negotiations, or other complaints involving Respondent.

20. 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.
21. 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.
22. 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.
23. 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.

6/8/2021
Date Signed


Victoria Hastings, Attorney #34052-20
Indiana Department of Insurance

6/2/2021
Date Signed


Hank Ellis Gordon, Respondent

STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

Before me a Notary Public for COOK County, State of Illinois,
personally appeared Hank Ellis Gordon, 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 02 day of June, 2021.

Erica Rattler
Notary Signature
Erica Rattler
Notary Printed

My Commission expires: 27 March 2023
County of Residence: COOK

