

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 20119-AG21-0120-010

IN THE MATTER OF: )

Timothy Daly )  
4629 Kekionga Drive, )  
Fort Wayne, IN 46809 )

Applicant. )

Type of Agency Action: Enforcement )

License Application #: 832953 )

**FILED**

APR 14 2021

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

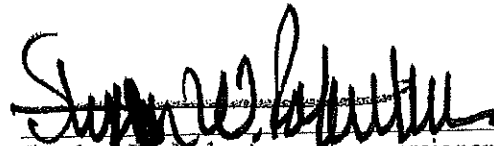
The Enforcement Division of the Indiana Department of Insurance (“Department”), by counsel, Victoria Hastings, and Timothy Daly (“Applicant”), a resident producer applicant, signed an Agreed Entry which purports to resolve all issues involved in the above-captioned cause number, and which has been submitted to the Commissioner of the Indiana Department of Insurance (“Commissioner”) for approval.

The Commissioner, after reviewing the Agreed Entry, which imposes a seven hundred fifty dollar (\$750) civil penalty against Applicant for failing to disclose Applicant’s two DUI felony convictions and a misdemeanor 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 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 resident producer license shall be approved contingent on Applicant's timely payment of the civil penalty. Applicant shall pay a civil penalty in the amount of seven hundred fifty dollars (\$750) to the Department within thirty (30) days after the Commissioner signs this Final Order. Failure to timely pay the civil penalty may result in the Department denying Applicant's application for a resident producer license.

4-14-2021  
Date Signed

  
\_\_\_\_\_  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

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Victoria Hastings, Attorney  
ATTN: Andrew Steward, Investigator  
Indiana Department of Insurance  
311 West Washington Street, Suite 103  
Indianapolis, Indiana 46204-2787

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STATE OF INDIANA  
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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 Timothy Daly ("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 December 12, 2020, Applicant submitted a license application for an Indiana resident producer license;

WHEREAS, on said license application, Applicant failed to disclose a June 26, 1995, conviction for Operating While Intoxicated, a Level 6 Felony, in the state of Indiana;

WHEREAS, on said license application, Applicant failed to disclose a December 12, 1995, conviction for Check Deception, a Class A Misdemeanor;

WHEREAS, on said license application, Applicant failed to disclose a March 4, 1999, conviction for Operating While Intoxicated, a Level 6 Felony, in the state of Indiana;

WHEREAS, Indiana Code § 27-1-15.6-12(b)(1) states, in part, that the Commissioner may levy a civil penalty against a producer for providing incorrect, misleading, incomplete, or materially untrue information in a license application;

WHEREAS, Indiana Code § 27-1-15.6-12(b)(6) states, in part, that the Commissioner may levy a civil penalty against a producer for having been convicted of a felony;

WHEREAS, Indiana Code § 27-1-15.6-12(b)(8) states, in part, that the Commissioner may levy a civil penalty against a producer 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 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 interests 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.

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7. Applicant's resident producer license shall be granted contingent upon Applicant timely paying the civil penalty. Applicant shall pay a civil penalty in the amount of Seven Hundred Fifty Dollars (\$750) 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 license application.
8. Applicant has carefully read and examined this Agreed Entry and fully understands its terms.

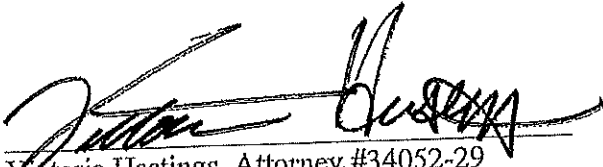
9. Applicant has had the opportunity to have this Agreed Entry reviewed by legal counsel of his choosing, at his own expense, and is aware of the benefits gained and obligations incurred by the execution of this Agreed Entry. Applicant understands and agrees that the Department cannot give him legal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

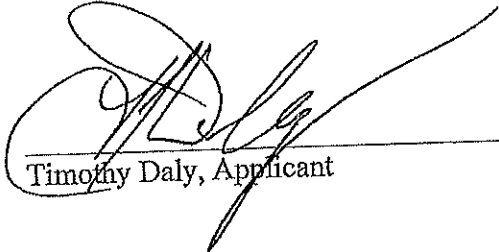
may be reported to the National Association of Insurance Commissioners and published on the Department's website as required.

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

3/30/2021  
Date Signed

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

3-22-21  
Date Signed

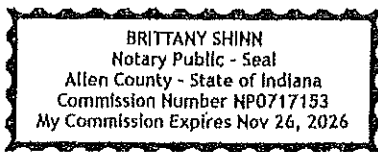
  
Timothy Daly, Applicant



STATE OF Indiana )  
 ) SS:  
COUNTY OF Allen )

Before me a Notary Public for Allen County, State of Indiana personally appeared Timothy Daly, 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 22<sup>nd</sup> day of March, 2021.



Brittany Shinn  
Signature  
Brittany Shinn  
Printed

My Commission expires: Nov 26, 2026

County of Residence: Allen