

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

**BEFORE THE INDIANA
COMMISSIONER OF INSURANCE**

CAUSE NO.: 20412-AG21-0421-091

IN THE MATTER OF:)
)
OTM Ins Specialists, LLC)
28825 IH 10 West)
Boerne, TX 78006)
)
 Applicant.)
)
Type of Agency Action: Enforcement)
)
License Application #: 853715 & 853716)

FILED

JUL 02 2021

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

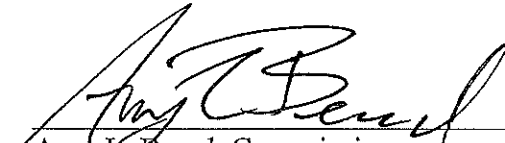
The Enforcement Division of the Indiana Department of Insurance (“Department”), by counsel, Victoria Hastings, and OTM Ins Specialists, LLC (“Applicant”), a nonresident producer organization applicant and applicant for surplus lines license, signed an Agreed Entry which purports to resolve all issues 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 imposes a seven hundred fifty dollar (\$750) civil penalty against Applicant due to Applicant having two (2) revocations and one (1) denial and for failing to timely report two administrative actions when previously licensed, 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 application for a nonresident producer organization license and nonresident surplus lines license shall be approved contingent upon 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 due within thirty (30) days after the date the Commissioner signs this Final Order. Failure to timely pay the civil penalty of one seven hundred fifty dollars (\$750) may result in the Department denying the applications for licensure, or taking a different administrative action against Applicant's nonresident producer organization license and surplus lines license.

7/2/21
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

OTM Ins Specialists, LLC
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Boerne, TX 78006

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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 OTM Ins Specialists, LLC ("Applicant"), 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, Applicant previously held a nonresident producer organization license, holding license number 807909 and a nonresident surplus lines license, holding license number 809910, from March 26, 2012 through March 31, 2020;

WHEREAS, On June 5, 2020, the Department issued a Nonrenewal Order against Applicant for failing to timely disclose the three (3) administrative actions within the statutory timeframe and for having two (2) licenses revoked;

WHEREAS, on June 16, 2018, the Virginia Department of Insurance revoked Applicant's nonresident producer organization license due to a surplus lines violations;

WHEREAS, Applicant reported the Virginia administrative action to the Department on October 26, 2018;

WHEREAS, Applicant failed to timely report their Virginia administrative action to the Department within the statutory timeframe while licensed with the Department;

WHEREAS, on September 9, 2019, the Wisconsin Department of Insurance revoked Applicant's nonresident producer organization license due to failing to respond to requests for information;

WHEREAS, Applicant reported the Wisconsin administrative action to the Department on March 15, 2021;

WHEREAS, Applicant failed to timely report their Wisconsin administrative action to the Department within the statutory timeframe while licensed with the Department;

WHEREAS, on September 18, 2020, the South Dakota Department of Insurance denied Applicant's nonresident producer organization license renewal application for failing to disclose previous administrative actions on their license application and for failing to timely report the same;

WHEREAS, on March 22, 2021, Applicant submitted an application to reactivate their nonresident producer organization license and their nonresident surplus lines license;

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

WHEREAS, Indiana Code § 27-1-15.6-17(a) states 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;

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

WHEREAS, William Parra, Manager at OTM Ins Specialists LLC, is authorized to act on behalf of Applicant and obligate it to perform in accordance with this agreement; 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 their best interests to enter into this Agreed Entry. As such, Applicant acknowledges that they 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.

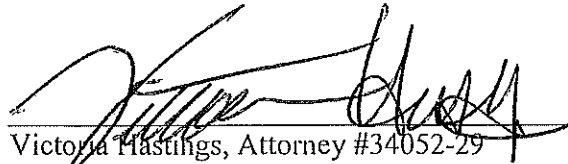
6. Applicant knowingly, voluntarily, and freely waives, releases, and forever discharges all claims or challenges, known or unknown, against the Department, its Commissioner, employees, agents, and representatives, in their individual and official capacities, that arise out of or are related to the Agreed 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 organization application and nonresident surplus lines licenses shall be approved contingent upon Applicant's timely payment of a 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 the Final Order adopting this Agreed Entry. Failure to pay the civil penalty may result in the Department taking an administrative action against Applicant's 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 their choosing, at their 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 them 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 they may be required to report to other jurisdictions in which they are licensed and on future licensing applications.

6/8/2021
Date Signed


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

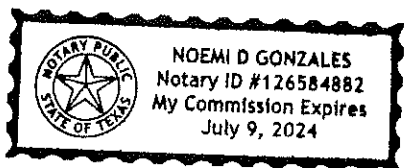
8-1-21
Date Signed


William Parra, Manager
OTM Ins Specialists LLC, Applicant

STATE OF TEXAS)
) SS:
COUNTY OF BEXAR)

Before me a Notary Public for Bexar County, State of Texas,
personally appeared William Parra, Manager, on behalf of OTM Ins Specialists, LLC, and being
first duly sworn by me upon their oath, says that the facts alleged in the foregoing instrument are
true.

Signed and sealed this 1st day of June, 2021.



Noemi D Gonzales
Signature

NOEMI D GONZALES
Printed

My Commission expires: July 9, 2024

County of Residence: Bexar