

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 20982-AG21-1203-232

IN THE MATTER OF:)
)
Gary Lee Smith Jr.)
918 Baxter Avenue, Suite 201)
Louisville, KY 40204)
)
Respondent.)
)
Type of Agency Action: Enforcement)
)
License Number: 3266100)

FILED
JAN 20 2022

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

The Enforcement Division of the Indiana Department of Insurance (“Department”), by counsel, Samantha Aldridge, and Gary Lee Smith Jr. (“Respondent”), a licensed 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.

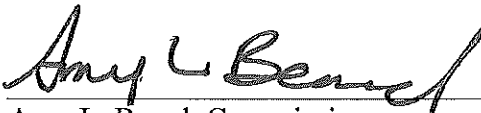
The Commissioner, after reviewing the Agreed Entry, which levies a two hundred fifty dollar (\$250) civil penalty against Respondent due to Respondent’s failure to timely report a criminal prosecution, finds it has been entered into fairly and without fraud, duress, or undue influence, and is fair and 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 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 two hundred fifty dollars (\$250) 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 taking an administrative action against Respondent's nonresident producer license.

11/20/22

Date Signed



Amy L. Beard, Commissioner
Indiana Department of Insurance

Distribution:

Gary Lee Smith Jr.
918 Baxter Avenue, Suite 201
Louisville, KY 40204

Samantha Aldridge, Attorney
ATTN: Taylor Peycha, Investigator
Indiana Department of Insurance
311 West Washington Street, Suite 300
Indianapolis, IN 46204

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 20982-AG21-1203-232

IN THE MATTER OF:)

Gary Lee Smith Jr.)
918 Baxter Avenue, Suite 201)
Louisville, KY 40204)

Respondent.)

Type of Agency Action: Enforcement)

License Number: 3266100)

FILED

JAN 20 2022

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, Samantha Aldridge, and Gary Lee Smith Jr. (“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 is a licensed nonresident insurance producer, holding license number 3266100 since August 23, 2017;

WHEREAS, on March 6, 2020, Respondent was charged with the following in the state of Kentucky: Wanton Endangerment, A Misdemeanor; Terroristic Threatening, A Misdemeanor; Disorderly Conduct, B Misdemeanor; Alcohol Intoxication in a Public Place – 1st and 2nd Offense, B Misdemeanor; and Assault, No Visible Injury, A Misdemeanor;

WHEREAS, on November 4, 2020, Respondent was convicted of Wanton Endangerment, a Class A Misdemeanor;

WHEREAS, Respondent failed to report the criminal prosecution to the Department within thirty days of the initial pre-trial hearing;

WHEREAS, on October 4, 2021, Respondent's submitted his renewal application;

WHEREAS, on Respondent's renewal application, Respondent disclosed his criminal prosecution and subsequent conviction to the Department for the first time;

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 § 27-1-15.6-7(b) is an insurance law, that states in part, that not more than thirty (30) days after an initial pretrial hearing date, a producer shall report to the Commissioner any criminal prosecution of the producer initiated in any jurisdiction; 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 interest 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'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 two hundred fifty dollars (\$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 taking an administrative action against Respondent's nonresident producer license.
8. Respondent has carefully read and examined this Agreed Entry and fully understands its terms.
9. 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 his legal advice.
10. Respondent 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 Respondent to enter this Agreed Entry.

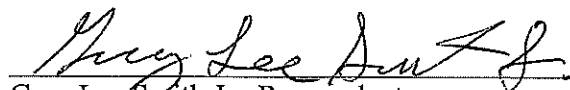
12. The Department agrees to accept Respondent's compliance with the terms of this Agreed Entry as full satisfaction of this matter and warrants and represents that so long as Respondent complies with the terms of this Agreed Entry, the Department will not bring any further action against Respondent based on the facts that gave rise to this Agreed Entry.
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. Respondent waives any applicable statute of limitations for purposes of any enforcement of the terms and conditions of this Agreed Entry.
15. 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.
16. 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.
17. This Agreed Entry does not in any way affect the Department's authority in future audits, investigations, examinations, negotiations, or other complaints involving Respondent.
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 Respondent from further participation in or resolution of these proceedings.
20. 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.
21. 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.

1/19/22
Date Signed


Samantha Aldridge, Attorney 35162-49
Indiana Department of Insurance

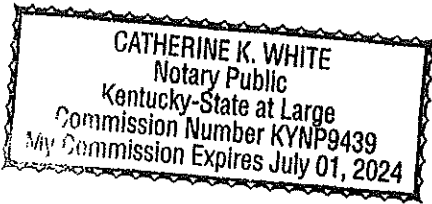
1-12-22
Date Signed


Gary Lee Smith Jr., Respondent

STATE OF KENTUCKY)
COUNTY OF Jefferson) SS:

Before me a Notary Public for Jefferson County, State of Kentucky,
personally appeared Gary Lee Smith Jr. 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 12 day of January, 2022.



Catherine K White ^{KYNP9439}
Signature
Catherine K White
Printed

My Commission expires: 07/01/2024

County of Residence: Jefferson

Return executed originals to:
INDIANA DEPARTMENT OF INSURANCE
Enforcement Division, Suite 103
311 West Washington Street
Indianapolis, IN 46204-2787
317/234-5883 - telephone
317/234-2103 - facsimile