

STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF MARION    )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 21420-IA22-0420-004

IN THE MATTER OF:                     )  
  )  
James Caldwell                         )  
5318 Bartlett Rd.                     )  
Bedford Heights, OH 44146            )  
  )  
Respondent.                             )  
  )  
Type of Agency Action: Enforcement   )  
  )  
License Number: 3620470              )

**FILED**

**JUN 30 2022**

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

The Enforcement Division of the Indiana Department of Insurance (“Department”), by counsel, Victoria Hastings, and James Caldwell (“Respondent”), a licensed resident independent adjuster, 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, permanently revokes Respondent’s resident independent adjuster license due to having been convicted of a felony, having been issued an administrative action, failing to disclose his criminal history on an application for licensure, and failing to timely report administrative action, 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's resident independent adjuster license number 3620470 shall be permanently revoked, along with all authority Respondent has to conduct insurance business in the state of Indiana, effective the date of this Final Order.
2. Respondent shall not reapply for licensure.

6/30/22  
Date Signed

Amy L. Beard  
Amy L. Beard, Commissioner  
Indiana Department of Insurance

Distribution:

Victoria Hastings Attorney  
ATTN: Chris Conrad, Specialty  
License Compliance Director  
Indiana Department of Insurance  
311 West Washington St, Suite 103  
Indianapolis, Indiana 46204-2787

James Caldwell  
5318 Bartlett Rd.  
Bedford Heights, OH 44146

STATE OF INDIANA     )  
                              ) SS:  
COUNTY OF MARION    )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 21420-IA22-0420-004

IN THE MATTER OF:     )

James Caldwell         )  
5318 Bartlett Rd.       )  
Bedford Heights, OH 44146     )

Respondent.             )

Type of Agency Action: Enforcement     )

License Number: 3620470             )

**FILED**

**JUN 30 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, Victoria Hastings, and James Caldwell ("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 licensed as a resident independent adjuster, holding license number 3620470 since December 23, 2020;

WHEREAS, on or about August 10, 2021, Respondent was denied Florida licensure as a nonresident independent all lines adjuster due to having been convicted of a felony and failing to disclose the felony conviction on associated application for licensure;

WHEREAS, Respondent failed to disclose his criminal history on his 2020 application for licensure. Respondent failed to disclose an August 29, 2001, conviction for Aggravated Robbery, a First-Degree Felony;

WHEREAS, Respondent failed to timely report his Florida administrative action to the Department within thirty days from the final disposition of the matter;

WHEREAS, Indiana Code § 27-1-28-18(b)(1) states, in part, that the Commissioner may permanently revoke an independent adjuster's license for providing incorrect, misleading, incomplete, or materially untrue information in a license application;

WHEREAS, Indiana Code § 27-1-28-18(b)(6) states, in part, that the Commissioner may permanently revoke an independent adjuster's license for having been convicted of a felony;

WHEREAS, Indiana Code § 27-1-28-18(b)(9) states, in part, that the Commissioner may permanently revoke an independent adjuster's license for having an insurance license, or its equivalent, probated, suspended, revoked, or refused in another state, province, district, or territory; and

WHEREAS, Indiana Code § 27-1-28-18(b)(2) authorizes the Commissioner to permanently revoke an independent adjuster's license for violating an insurance law, a subpoena, or an order of the Commissioner or another state's insurance Commissioner;

WHEREAS, Indiana Code § 27-1-28-22(a) is an insurance law that states, in part, that an independent adjuster shall report to the Commissioner an administrative action taken against the independent adjuster in another jurisdiction or by another governmental agency in Indiana not more than thirty (30) days after the final disposition of the matter;

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's resident independent adjuster license #3620470, shall be permanently revoked, along with all authority Respondent has to conduct insurance

business in the state of Indiana, effective the date on which the Commissioner signs the Final Order adopting this Agreed Entry.

8. Respondent shall not reapply for licensure.
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 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.
11. Respondent has entered into this Agreed Entry knowingly, voluntarily, and 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 of the provisions of this Agreed Entry, the Department may reopen this matter and pursue alternative action pursuant to Indiana Code § 27-1-28-18.

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, 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.

22. 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.

6/27/2022

Date Signed

*/s/ Victoria Hastings*

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

*5-19-22*

Date Signed

*[Signature]*

James Caldwell, Respondent

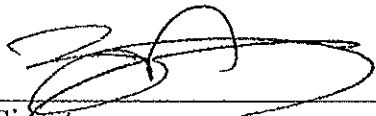


STATE OF OHIO

COUNTY OF CUYAHOGA )  
 ) SS:

Before me a Notary Public for CUYAHOGA County, State of Ohio,  
personally appeared James Caldwell, 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 19TH day of MAY, 2022.

  
Signature  
BRE'NAE AVERY  
Printed

My Commission expires: DECEMBER 10, 2022

County of Residence: CUYAHOGA