

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 22204-AG23-0221-038

IN THE MATTER OF: )  
 )  
James E. Schaefer )  
750 E. Southport Road )  
Indianapolis, IN 46227 )  
 )  
Respondent. )  
 )  
Type of Agency Action: Enforcement )  
 )  
License Number #: 3014980 )

**FILED**  
**MAY 04 2023**  
STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

The Enforcement Division of the Indiana Department of Insurance (“Department”), by counsel, Victoria Hastings, and James E. Schaefer (“Respondent”), a licensed resident 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 and Fifty Dollar (\$250) civil penalty against Respondent for failing to timely report a criminal prosecution to the Department and for failing to disclose it on a renewal application, 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 Two Hundred and Fifty Dollars (\$250) to the Department within thirty (30) days after the date of this Final Order.
2. Failure to timely pay the civil penalty, may result in the Department taking further action against Respondent's license.

5/18/23

Date Signed

  
Amy L. Beard, Commissioner  
Indiana Department of Insurance

Distribution:

Victoria Hastings, Attorney  
ATTN: Hana Biele, Insurance Investigator  
Indiana Department of Insurance  
West Washington St, Suite 103  
Indianapolis, Indiana 46204-2787

James E. Schaefer  
750 E. Southport Road  
Indianapolis, IN 46227

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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 James E. Schaefer (“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 resident insurance producer, holding license number 3014980 since June 8, 1999;

WHEREAS, on or about March 24, 2021 Respondent was charged with three driving related misdemeanor offenses, and one felony charge for Operating a Vehicle with an ACE of .08 or More but where defendant has a prior conviction, a Level 6 felony;

WHEREAS, Respondent’s initial hearing was held on June 21, 2021;

WHEREAS, Respondent failed to timely report said criminal charges to the Department;

WHEREAS, on July 11, 2022, Respondent was convicted of Operating a Vehicle While Intoxicated: Endangering a Person-Prior Within 7 years, a Level 6 felony

WHEREAS, on February 2, 2023, Respondent's conviction was reduced to a Class A misdemeanor;

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

WHEREAS, Indiana Code § 27-1-15.6-17(b), which is an insurance law that states, 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;

WHEREAS, Indiana Code § 27-1-15.6-12(b)(1), which states, in part, that the Commissioner may levy a civil penalty for providing incorrect, misleading, incomplete, or materially untrue information in a license application; 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 shall pay a civil penalty in the amount of two hundred fifty dollars (\$250) to the Department within thirty days (30) after the Commissioner signs the Final Order approving this Agreed Entry. Failure to timely pay the civil penalty may result in the Department taking another administrative action against Respondent.
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 him 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.

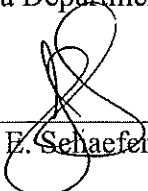
11. This Agreed Entry constitutes the entire agreement between the Parties, and no other promises or agreements, express or implied, have been made by the Department or by any employee, director, agent or other representative thereof to induce Respondent to enter this Agreed Entry.
12. The Department 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.

5/3/2023  
Date Signed

4/28/23  
Date Signed

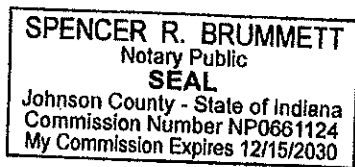
  
Victoria Hastings, Attorney #34052-29  
Indiana Department of Insurance

  
James E. Schaefer, Respondent

STATE OF INDIANA )  
 ) SS:  
COUNTY OF Marion )

Before me, a Notary Public for Johnson County, State of Indiana, personally appeared James E. Schaefer, and being first duly sworn by me upon her oath, says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 28th day of April, 2023.



[Signature]  
Signature

Spencer R. Brummett  
Printed

My Commission expires: 12/15/2030

County of Residence: Johnson

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