

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 22957-AG24-0123-016


IN THE MATTER OF:)
)
Alan Sword)
13960 Highway 31 N)
Memphis, IN 47143)
Respondent.)
Type of Agency Action: Enforcement)
License Number: 954760)

FILED
APR 18 2024
STATE OF INDIANA
DEPT. OF INSURANCE

ORDER GRANTING MOTION TO RENEW EMERGENCY SUSPENSION

Indiana Department of Insurance Commissioner Amy L. Beard, now being so advised, hereby grants Department's Motion to Renew Emergency Suspension against Respondent for an additional ninety (90) days, pursuant to Indiana Code § 4-21.5-4-5(b), or until a Final Order is issued in this matter, whichever time period is shorter.

4.18.2024
Dated



Amy L. Beard, Commissioner
Indiana Department of Insurance

Distribution to:

Joseph Bossinger, Attorney
Indiana Department of Insurance
311 W Washington St, Suite 103
Indianapolis, IN 46204

Alan Sword
13960 Highway 31 N
Memphis, IN 47143

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DEPT. OF INSURANCE

MOTION FOR RENEWED EMERGENCY SUSPENSION

The Enforcement Division of the Indiana Department of Insurance (“Enforcement Division”), pursuant to Indiana Code § 4-21.5-4 *et seq.*, files its petition for a renewed emergency suspension against agent Alan Sword (“Respondent”), and states:

1. Respondent is a resident insurance producer holding license number 954760 since May 23, 2014.
2. Respondent’s license expires on September 30, 2024.
3. On December 15, 2023, the Indiana Department of Insurance (“Department”) received notification that Respondent’s appointment as a producer/broker to sell Medicare Advantage and Medicare Part D plans for Anthem Insurance Companies, Inc., Anthem Life Insurance Company, Inc., Healthkeepers Inc., and Community Insurance Company (hereafter, “Anthem”) was terminated.

4. To become an appointed producer with Anthem, Respondent entered into various Producer and Broker Agreements with Anthem that would govern Respondent's relationship with and obligations to Anthem.
5. Some of those provisions required Respondent to attend and complete Anthem's required compliance training courses for producers, and other training courses, comply with all current policies, procedures, and guidelines of Anthem regarding electronic commerce, confidentiality, and account reporting, and agree that Anthem's proprietary information may not be used or disclosed without the written consent of the owner of the proprietary information.
6. Between August 9, 2022, and October 25, 2023, Respondent improperly received confidential, proprietary, and trade secret data without authorization and failed to follow Anthem's policies and procedures regarding proprietary and confidential information.
7. Respondent improperly received the confidential, proprietary and/or trade secret data from his brother, Jason Sword, who was at the time an Anthem employee; Jason did not have authorization to download and distribute the confidential, proprietary and/or trade secret information to external parties.
8. Additionally, Respondent used unapproved marketing materials, which lacked proper identification.
9. The Department has serious consumer protection concerns regarding Respondent's competence and trustworthiness.

10. An emergency exists in that Respondent's continued selling of insurance in the state of Indiana with a valid license places Respondent in a position of trust with Indiana consumers and in control of Indiana consumers' financial circumstances.
11. Indiana Code § 27-1-15.6-12(b)(8) authorizes the Commissioner to suspend an insurance producer for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.
12. Under Indiana Code § 4-21.5-4-2(a)(1), the Commissioner may, in an emergency, issue orders without notice or an evidentiary proceeding. However, Indiana Code § 4-21.5-4-4 provides that upon issuance of an emergency order, the Respondent may request a hearing as quickly as practicable.
13. The Enforcement Division previously filed a Motion for Emergency Suspension against Respondent on or about January 30, 2024. The Commissioner granted the Enforcement Division's motion, and issued her Findings of Fact, Conclusions of Law, and Emergency Order on January 30, 2024, which was to expire on April 29, 2024.
14. The Enforcement Division believed it necessary to renew the emergency suspension against Respondent. On or about April 16, 2024, the Enforcement Division filed a Motion to Renew Emergency Suspension for an additional ninety (90) days.
15. Indiana Code § 4-21.5-4-5(b) provides that during the pendency of any related proceedings under Indiana Code § 4-21.5-3, the agency responsible for the proceeding may renew the order for successive ninety (90) day periods.
16. It is in the best interest of the public that Respondent's emergency suspension continues until this matter can be resolved.

17. Respondent should be required to cease practice as an insurance agent until the Department can be sure that Respondent can practice competently and in an ethically responsible manner.

WHEREFORE, the Enforcement Division requests that the Emergency Order against Respondent be lengthened for an additional ninety (90) days, or until a Final Order is issued in this matter, whichever is shorter, and for all other necessary and proper relief.

/s/ Joseph Bossinger
Joseph Bossinger, Attorney # 35166-49
Indiana Department of Insurance
Enforcement Division
311 W. Washington Street, Suite 103
Indianapolis, Indiana 46204-2787
jbossinger@idoi.in.gov
Telephone: (317) 232-2417

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served upon the Respondent by United States First Class mail, postage prepaid, the same day as filing.

Alan Sword
13960 Highway 31 N
Memphis, IN 47143

/s/ Joseph Bossinger
Joseph Bossinger, Attorney # 35166-49
Indiana Department of Insurance
Enforcement Division
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Respondent.)
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Type of Agency Action: Enforcement)
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License Number: 954760)

FILED

JAN 30 2024

STATE OF INDIANA
DEPT. OF INSURANCE

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND EMERGENCY ORDER**

The Commissioner of the Indiana Department of Insurance (“Commissioner”), being duly advised, now issues the following Findings of Fact, Conclusions of Law, and Emergency Order:

FINDINGS OF FACT

1. Alan Sword (“Respondent”) is a licensed resident insurance producer holding license number 954760 since May 23, 2014.
2. On December 15, 2023, the Indiana Department of Insurance (“Department”) received notification that Respondent’s appointment as a producer/broker for Anthem Insurance Companies, Inc., Anthem Life Insurance Company, Inc., Healthkeepers Inc., and Community Insurance Company (hereafter, “Anthem”) to sell Medicare Advantage and Medicare Part D plans was terminated.
3. Respondent entered into various Producer and Broker Agreements with Anthem that would govern Respondent’s relationship with and obligations to Anthem, including but

not limited to, Respondent attending and completing Anthem's required compliance training courses for producers, along with other training courses; complying with all current policies, procedures, and guidelines of Anthem regarding electronic commerce, confidentiality, and account reporting; and agreeing that Anthem's proprietary information may not be used or disclosed without the written consent of the owner of the proprietary information.

4. Between August 9, 2022, and October 25, 2023, Respondent improperly received confidential, proprietary, and trade secret data without authorization and failed to follow Anthem's policies and procedures regarding proprietary and confidential information.
5. Respondent improperly received the confidential, proprietary and/or trade secret data from his brother, Jason Sword, who was at the time an Anthem employee; Jason did not have authorization to use or download the confidential, proprietary and/or trade secret information to external parties.
6. Additionally, Respondent used unapproved marketing materials, which lacked proper identification.

CONCLUSIONS OF LAW

1. An emergency exists such that an emergency order is appropriate under Indiana Code § 4-21.5-4-1, in that Respondent's continued selling of insurance in the State of Indiana with a valid license places Respondent in a position of trust with Indiana consumers and in control of Indiana consumers financial circumstances.

2. Indiana Code § 27-1-15.6-12(b)(8) authorizes the Commissioner to suspend an insurance producer for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.
3. This Emergency Order is issued pursuant to Indiana Code § 4-21.5-4-2(a)(1).


ORDER

With the Findings of Fact and Conclusions of Law, as stated above, the Commissioner now orders:

1. Alan Sword's Indiana resident producer license # 954760 is hereby immediately suspended for ninety (90) days, renewable as necessary per Indiana Code §4-21.5-4-5.

Under Indiana Code § 4-21.5-4-3, this Emergency Order is effective when issued. **Respondent has the right to request a hearing on this Emergency Order by filing a request for a hearing with the Department**, and if requested, an evidentiary hearing will be set on the matter as soon as practicable.

01.30.2024
Dated



Amy L. Beard, Commissioner
Indiana Department of Insurance

Distribution to:

Joseph Bossinger, Attorney
Indiana Department of Insurance
311 W Washington St, Suite 103
Indianapolis, IN 46204

Alan Sword
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DEPT. OF INSURANCE

MOTION FOR EMERGENCY SUSPENSION


The Enforcement Division of the Indiana Department of Insurance (“Enforcement Division”), pursuant to Indiana Code § 4-21.5-4 *et seq.*, files its petition for emergency suspension against agent Alan Sword (“Respondent”), and states:

1. Respondent is a resident insurance producer holding license number 954760 since May 23, 2014.
2. Respondent’s license expires on September 30, 2024.
3. On December 15, 2023, the Indiana Department of Insurance (“Department”) received notification that Respondent’s appointment as a producer/broker to sell Medicare Advantage and Medicare Part D plans for Anthem Insurance Companies, Inc., Anthem Life Insurance Company, Inc., Healthkeepers Inc., and Community Insurance Company (hereafter, “Anthem”) was terminated.

4. To become an appointed producer with Anthem, Respondent entered into various Producer and Broker Agreements with Anthem that would govern Respondent's relationship with and obligations to Anthem.
5. Some of those provisions required Respondent to attend and complete Anthem's required compliance training courses for producers, and other training courses, comply with all current policies, procedures, and guidelines of Anthem regarding electronic commerce, confidentiality, and account reporting, and agree that Anthem's proprietary information may not be used or disclosed without the written consent of the owner of the proprietary information.
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8. Additionally, Respondent used unapproved marketing materials, which lacked proper identification.
9. The Department has serious consumer protection concerns regarding Respondent's competence and trustworthiness.

10. An emergency exists in that Respondent's continued selling of insurance in the state of Indiana with a valid license places Respondent in a position of trust with Indiana consumers and in control of Indiana consumers' financial circumstances.
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12. Under Indiana Code § 4-21.5-4-2(a)(1), the Commissioner may, in an emergency, issue orders without notice or an evidentiary proceeding. However, Indiana Code § 4-21.5-4-4 provides that upon issuance of an emergency order, the Respondent may request a hearing as quickly as practicable.
13. Respondent should be required to cease practice as an insurance agent until the Department can be sure that Respondent can practice competently and in an ethically responsible manner.

WHEREFORE, the Enforcement Division requests that the Department issue an order suspending the insurance license of Alan Sword under Indiana Code § 4-21.5-4-2, and for all other necessary and proper relief.



Joseph Bossinger, Attorney # 35166-49
Indiana Department of Insurance
311 West Washington St
Indianapolis, IN 46204

Certificate of Service

I certify that a copy of the foregoing has been served upon the Respondent by United States First Class mail, postage prepaid, the same day as filing.

Alan Sword
13960 Highway 31 N
Memphis, IN 47143



Joseph Bossinger, Attorney # 35166-49
Indiana Department of Insurance
311 W Washington St, Suite 103
Indianapolis, IN 46204