

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 22959-AG24-0123-015

IN THE MATTER OF:)
)
Jason Sword)
13962 Highway 31 N)
Memphis, IN 47143)
)
Respondent.)
)
Type of Agency Action: Enforcement)
)
License Number: 826681)

FILED


APR 16 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 least.

4.16.2024
Dated



Amy L. Beard, Commissioner
Indiana Department of Insurance

Distribution to:

Jason Sword
13962 Highway 31 N
Memphis, IN 47143

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

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STATE OF INDIANA
DEPT. OF INSURANCE

MOTION FOR RENEWED EMERGENCY SUSPENSION

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

1. Respondent is a resident insurance producer holding license number 826681 since July 2, 2012.
2. Respondent’s license expires on October 31, 2024.
3. On December 15, 2023, the Department received notification that Respondent was terminated for cause from Anthem Insurance Companies, Inc., Anthem Life Insurance Company, Inc., Healthkeepers Inc., and Community Insurance Company (hereafter, “Anthem”)
4. Respondent was employed by Anthem from September 4, 2018, to December 15, 2023; Respondent’s role at the time of his termination was as Anthem’s Director of Sales. In

- this role, Respondent was responsible for directing and coordinating sales activities for Medicare programs and developing strategies and sales plans for membership growth.
5. Prior to Respondent being employed by Anthem, Respondent was an independent insurance producer working with his brother, Alan Sword, who is a licensed Indiana resident producer, and their agency Senior Source Insurance, LLC (“Senior Source”).
 6. Alan Sword and Senior Source both held appointments to sell products on behalf of Anthem.
 7. At the time of Respondent’s hiring at Anthem, Respondent completed a conflict-of-interest survey, representing the following:
 - a. Respondent would not have any contact or make decisions surrounding Anthem business in regard to Senior Source;
 - b. Alan Sword owned 50% of Senior Source;
 - c. Respondent would not sell any products for Senior Source; and
 - d. Respondent’s coworker at Anthem would continue to manage Senior Source’s business on behalf of Anthem.
 8. Respondent completed additional conflict-of-interest surveys throughout his employment at Anthem, and agreed to and represented that Respondent would refrain from supporting Alan Sword with events, leads, exchange of referrals, and or sales; and not meet with Alan Sword on a one-on-one basis to discuss Anthem business.
 9. On December 18, 2023, the Department was notified by Anthem that between May 24, 2019, and October 25, 2023, Respondent accessed Anthem’s confidential, proprietary, and trade secret data without an authorized purpose.

10. The proprietary and confidential information included data regarding Anthem's appointed producers in certain geographical areas, Anthem's national market penetration, sales and growth in comparison to Anthem's competitors, and other data regarding Anthem's sales and products.
11. Respondent intentionally and improperly downloaded this confidential and proprietary information and sent it to himself externally and to others, including Alan Sword.
12. The proprietary and confidential information that Respondent intentionally and improperly downloaded and transmitted was not necessary for Respondent to meet his job requirements and responsibilities.
13. Respondent failed to abide by the conflict-of-interest survey completed at Anthem and breached many of the representations he made therein. Respondent violated Anthem's policies and procedures regarding handling, access, and use of Anthem's confidential, proprietary and/or trade secret information.
14. Respondent shared confidential, proprietary, and/or trade secret information with his brother, Alan Sword, and other producers at Senior Source.
15. The Department has serious consumer protection concerns regarding Respondent's competence and trustworthiness.
16. 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.
17. 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.

18. 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.
19. The Enforcement Division previously filed a Motion for Emergency Suspension against Respondent on or about January 25, 2024. The Commissioner granted the Enforcement Division's motion, and issued her Findings of Fact, Conclusions of Law, and Emergency Order on January 25, 2024, which was to expire on April 24, 2024.
20. The Enforcement Division believed it necessary to renew the emergency suspension against Respondent. On or about April 15, 2024, the Enforcement Division filed a Motion to Renew Emergency Suspension for an additional ninety (90) days.
21. 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.
22. It is in the best interest of the public that Respondent's emergency suspension continues until this matter can be resolved.
23. 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 renewed for an additional ninety (90) days, or until a Final Order is issued in this matter, whichever is least, 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.

Jason Sword
13962 Highway 31 N
Memphis, IN 47143

/s/ Joseph Bossinger
Joseph Bossinger, Attorney # 35166-49
Indiana Department of Insurance
Enforcement Division
311 W. Washington Street, Suite 103
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FILED

JAN 25 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 Findings of Fact, Conclusions of Law, and Emergency Order:

FINDINGS OF FACT

1. Jason Sword (“Respondent”) is a licensed resident insurance producer holding license number 826681 since July 2, 2012.
2. On December 15, 2023, the Indiana Department of Insurance (“Department”) received notification that Respondent was terminated for cause from Anthem Insurance Companies, Inc., Anthem Life Insurance Company, Inc., Healthkeepers Inc., and Community Insurance Company (hereafter, “Anthem”).
3. Respondent was employed by Anthem from September 4, 2018, to December 15, 2023; Respondent’s role at the time of his termination was as Anthem’s Director of Sales.

4. Prior to Respondent being employed by Anthem, Respondent was an independent insurance producer working with his brother, Alan Sword, who is a licensed Indiana resident producer, and their agency, Senior Source Insurance, LLC (“Senior Source”).
5. At the time of Respondent’s hiring at Anthem, Respondent completed a conflict-of-interest survey, and represented the following:
 - a. Respondent would not have any contact or make decisions surrounding Anthem business in regard to Senior Source;
 - b. Respondent’s brother, Alan Sword, owned 50% of Senior Source;
 - c. Respondent would not sell any products for Senior Source; and
 - d. Respondent’s coworker at Anthem would continue to manage Senior Source’s business on behalf of Anthem.
6. Respondent completed additional conflict-of-interest surveys throughout his employment at Anthem, and agreed to and represented that Respondent would refrain from supporting Alan Sword with events, leads, exchange of referrals, and or sales; and not meet with Alan Sword on a one-on-one basis to discuss Anthem business.
7. Between May 24, 2019, and October 25, 2023, Respondent accessed Anthem’s confidential, proprietary, and trade secret data without an authorized purpose.
8. Respondent intentionally and improperly downloaded this confidential, proprietary and trade secret data and sent it to himself externally and to others, including Alan Sword.
9. The proprietary, confidential and secret data that Respondent intentionally and improperly downloaded and transmitted was not necessary for Respondent to meet his job requirements and responsibilities.

10. Respondent failed to abide by the conflict-of-interest survey completed at Anthem and breached many of the representations he made therein. Respondent violated Anthem's policies and procedures regarding handling, accessing, and using Anthem's confidential, proprietary and/or trade secret information.
11. Respondent shared proprietary, confidential, and/or trade secret information with Alan Sword and other producers at Senior Source.

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's license 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. Jason Sword's Indiana resident producer license # 826681 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.

01.25.2024
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

Jason Sword
13962 Highway 31 N
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19. 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 Jason 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.

Jason Sword
13962 Highway 31 N
Memphis, IN 47143


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