

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

JUL 09 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.

7/9/24
Date Signed

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

Distribution to:

Samantha Aldridge, Attorney
ATTN: Sara Tolliver, Sr. Investigator
Indiana Department of Insurance
311 W Washington St, Suite 103
Indianapolis, IN 46204

Alan Sword
13960 Highway 31 N
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STATE OF INDIANA
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 is currently on emergency suspension, since January 30, 2024 and renewed as of April 18, 2024.
3. Respondent’s license expires on September 30, 2024.
4. 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.

5. 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.
6. 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.
7. 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.
8. Respondent improperly received the confidential, proprietary and/or trade secret data from Respondent's 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.
9. Additionally, Respondent used unapproved marketing materials, which lacked proper identification.
10. The Department has serious consumer protection concerns regarding Respondent's competence and trustworthiness.

11. 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.
12. 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.
13. 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.
14. The Enforcement Division previously filed a Motion for Emergency Suspension against Respondent on or about January 30, 2024. Commissioner granted the Enforcement Division's motion, and issued her Findings of Fact, Conclusions of Law, and Emergency Order on January 30, 2024.
15. Commissioner issued an Order Granting the Enforcement Division's Motion to Renew Emergency Suspension on April 18, 2024. The Enforcement Division believes it is necessary to renew the emergency suspension against Respondent.
16. On July 9 2024, the Enforcement Division filed its Statement of Charges against Respondent seeking permanent revocation of Respondent's resident insurance producer license.

17. 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.
18. It is in the best interest of the public that Respondent's emergency suspension continues until this matter can be resolved.
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 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/ Samantha Aldridge
Samantha Aldridge, Attorney # 35162-49
Indiana Department of Insurance
Enforcement Division
311 W. Washington Street, Suite 103
Indianapolis, Indiana 46204-2787
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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/ Samantha Aldridge
Samantha Aldridge, Attorney