

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 #: 954760)

FILED

SEP 23 2024

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

The Enforcement Division of the Indiana Department of Insurance (“Department”), by counsel, Samantha Aldridge, and Alan Sword (“Respondent”), a resident 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 places Respondent’s resident producer license on probation for a period of two (2) years, during which time Respondent shall submit a current list of appointments to the Department every six (6) months, pay a civil penalty of one thousand five hundred dollars (\$1,500) within one year, and complete three (3) additional hours of ethics continuing education, due to the nature of Respondent’s termination for cause, 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 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 producer license shall be reactivated, and Respondent's license shall be placed on probation for a period of two (2) years beginning the date of this Final Order.
2. During the probationary period, any violations of Title 27 of the Indiana Code will result in the Department seeking immediate revocation of Respondent's license.
3. During the probationary period, Respondent shall submit a current list of appointments to the Department every six (6) months from the date of the Final Order via email to: Enforcement@idoi.in.gov.
4. During the probationary period, Respondent shall complete three (3) credit hours of ethics continuing education, in addition to the continuing education requirements of Respondent's licensure.
5. Respondent shall pay a civil penalty in the amount of one thousand five hundred dollars (\$1,500) to the Department within one (1) year after the Commissioner signs this Final Order.
6. Failure to pay the civil penalty within one (1) year from the date the Commissioner signs this Final Order shall result in the Department seeking immediate revocation of Respondent's license.

9123124

Dated



Amy I. Beard, Commissioner
Indiana Department of Insurance

Distribution:

Samantha Aldridge
ATTN: Sara Tolliver, Investigator
INDIANA DEPARTMENT OF INSURANCE
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204-2787

Christopher Zelli, Attorney for Respondent
Dinsmore & Shohl
RE: Alan Sword
101 South Fifth Street
Louisville, Kentucky 40202

STATE OF INDIANA)
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COUNTY OF MARION)

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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, Samantha Aldridge, and Alan Sword (“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 954760 since May 23, 2014;

WHEREAS, on December 15, 2023, Respondent was terminated for cause from Anthem Insurance Companies, Inc., Anthem Life Insurance Company, Inc., Healthkeepers Inc., and Community Insurance Company (hereafter “Anthem”) for allegedly receiving Anthem’s confidential, proprietary, and/or trade secret and customer protected information without authorization and using unapproved marketing materials, which lacked proper identification;

WHEREAS, on January 30, 2024, the Commissioner issued a Findings of Fact, Conclusions of Law, and Emergency Order suspending Respondent's license for ninety (90) days, due to Respondent's termination for cause;

WHEREAS, on April 18, 2024, the Commissioner issued an Order Granting Motion to renew Emergency Suspension for an additional ninety (90) days;

WHEREAS, on July 9, 2024, the Commissioner issued an Order Granting Motion to renew Emergency Suspension for an additional ninety (90) days;

WHEREAS, on July 9, 2024, the Department filed a Statement of Charges against Respondent alleging a violation Indiana Code 27-1-15.6-12(b)(8);

WHEREAS, Indiana Code § 27-1-15.6-12(b)(8), states, in part, that the Commissioner may levy a civil penalty and place an insurance producer on probation for a period of years for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere;

WHEREAS, the Department and Respondent (collectively, the "Parties") acknowledge and agree that Respondent's execution of this Agreed Entry is not an admission of any violation of any Indiana Statute or regulation but is entered into as a purpose to compromise a disputed claim;

WHEREAS, the Department and Respondent 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 Respondent's best interests to enter into this Agreed Entry. As such, Respondent acknowledges that Respondent 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 Indiana resident producer license shall be reactivated and placed on probation for a period of two (2) years, along with all authority Respondent has to conduct insurance business in the State of Indiana, effective the date Commissioner signs the Final Order adopting this Agreed Entry. During the probationary period, any violations of Title 27 of the Indiana Code will result in the Department seeking

immediate revocation of Respondent's license. During the probationary period, Respondent shall submit a current list of appointments to the Department every six (6) months from the date of the Final Order via email at: Enforcement@idoi.in.gov.

8. During the probation period, Respondent shall complete three (3) credit hours of ethics continuing education, in addition to the continuing education requirements of Respondent's licensure, within two (2) years after the Commissioner signs the Final Order adopting this Agreed Entry.
9. Respondent shall pay a civil penalty in the amount of one thousand five hundred dollars (\$1,500) to the Department within one (1) year after the Commissioner signs the Final Order adopting this Agreed Entry. Failure to pay the civil penalty will result in the Department seeking immediate revocation of Respondent's license.
10. Respondent has had the opportunity to have this Agreed Entry reviewed by legal counsel of Respondent's choosing, at Respondent's 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 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 § 27-1-15.6-12.
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, excluding the underlying facts in the above captioned matter, as known to the Department as of the date of this Agreed Entry.
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.

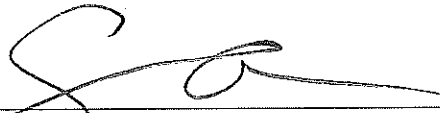
21. If this Agreed Entry is accepted by the Commissioner, it will become part of Respondent's permanent record and may be considered in future actions brought by the Department or any other regulator against Respondent. This Agreed Entry shall not be used as the sole basis in any further administrative action by the Department against the 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 Respondent may be required to report to other jurisdictions in which Respondent is licensed and on future licensing applications.

9/9/24

Date Signed

09/09/2024

Date Signed



Samantha Aldridge, Attorney #35162-49
Indiana Department of Insurance



Alan Sword, Respondent

STATE OF Indiana)
) SS:
COUNTY OF Clark)

Before me a Notary Public for Clark County, State of Indiana personally appeared Alan Sword and being first duly sworn by me upon Alan Sword's oath, says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 9th day of September, 2024.

Angela Rose Myers
Signature

Angela Rose Myers
Printed

My Commission expires: 3-1-2029

County of Residence: Clark

Return executed originals to:
INDIANA DEPARTMENT OF INSURANCE
Enforcement Division
311 West Washington Street, Suite 103
Indianapolis, IN 46204 2787