

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 22993-AG24-0823-127

IN THE MATTER OF:)
)
Timothy Craig)
4728 Lisborn Dr.)
Carmel, IN 46033)
License Number: 2645620)
)
Performance Ins Services, Inc.)
4728 Lisborn Dr.)
Carmel, IN 46033)
License Number: 31839)
)
Respondents.)
)
Type of Agency Action: Enforcement)

FILED

SEP 23 2024

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

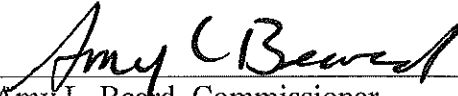
The Enforcement Division of the Indiana Department of Insurance (“Department”), by counsel, Joseph Bossinger, and resident insurance producer licensees Timothy Craig and Performance Ins Services, Inc., (collectively, “Respondents”), signed an Agreed Entry which purports to resolve all issues involved 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 combined five hundred dollar (\$500) civil penalty due to Respondents failing to timely report January 3, 2024, license revocations by the Minnesota Department of Commerce, 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 these matters.

IT IS THEREFORE ORDERED by the Commissioner as follows:

1. Respondents shall pay a combined civil penalty in the amount of five hundred dollars (\$500) 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 other administrative action against Respondents' licenses.

9/23/21
Dated



Amy L. Beard, Commissioner
Indiana Department of Insurance

Distribution:

Timothy Craig
Performance Ins Services, Inc.
4728 Lisborn Dr.
Carmel, IN 46033

Joseph Bossinger, Attorney
ATTN: Sara Tolliver, Investigator
INDIANA DEPARTMENT OF INSURANCE
311 West Washington Street, Suite 300
Indianapolis, Indiana 46204-2787

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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, Joseph Bossinger, and Timothy Craig (“Craig”) and Performance Ins Services, Inc. (“Performance Insurance”), (collectively, “Respondents”), 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 Craig is a licensed resident insurance producer, holding license number 2645620;

WHEREAS, Respondent Performance Insurance is a licensed resident insurance producer organization, holding license number 31839;

WHEREAS, on January 3, 2024, Respondents were issued revocation orders by the Minnesota Department of Commerce, which Respondents failed to report to the Department within thirty (30) days of the final disposition of the matters;

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(a), is an insurance law that states, in part, that a producer shall report to the Commissioner any administrative action taken against the producer in another jurisdiction or by another governmental agency in Indiana not more than thirty (30) days after the final disposition of the matter;

WHEREAS, Indiana Code § 27-1-15.6-12(b)(9), states, in part, that the Commissioner may levy a civil penalty for having an insurance producer license, or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory;

WHEREAS, Respondent Craig, Principal of Respondent Performance Insurance, is authorized to act on behalf of Respondent Performance Insurance and obligate Respondent Performance Insurance to perform in accordance with this agreement; and

WHEREAS, the Department and Respondents (collectively, the "Parties") desire to resolve these matters 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 these matters, Respondents have determined that it is in Respondents' best interests to enter into this Agreed Entry. As such,

Respondents acknowledge that Respondents execute 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 these matters.
4. Respondents knowingly, voluntarily, and freely waive the right to a public hearing on these matters, including the right to appear in person before the Commissioner, present evidence, cross-examine witnesses, and present arguments.
5. Respondents knowingly, voluntarily, and freely waive the right to judicial review of these matters or otherwise appeal or challenge the validity of this Agreed Entry.
6. Respondents knowingly, voluntarily, and freely waive, release, and forever discharge 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. Respondents shall pay a combined civil penalty in the amount of five hundred dollars (\$500) 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 other administrative action against Respondents' licenses.
8. Respondents have carefully read and examined this Agreed Entry and fully understand its terms.

9. Respondents have had the opportunity to have this Agreed Entry reviewed by legal counsel of Respondents' choosing, at Respondents' own expense, and are aware of the benefits gained and obligations incurred by the execution of this Agreed Entry. Respondents understand and agree that the Department cannot give legal advice.
10. Respondents have entered into this Agreed Entry knowingly, voluntarily, and freely, and have 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 Respondents to enter this Agreed Entry.
12. The Department agrees to accept Respondents' compliance with the terms of this Agreed Entry as full satisfaction of these matters and warrants and represents that so long as Respondents comply with the terms of this Agreed Entry, the Department will not bring any further action against Respondents 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 these matters and pursue alternative action pursuant to Indiana Code § 27-1-15.6-12.
14. Respondents waive any applicable statute of limitations for purposes of any enforcement of the terms and conditions of this Agreed Entry.
15. Respondents acknowledge that this Agreed Entry may be admitted into evidence in any judicial or administrative proceeding against Respondents to enforce the terms and conditions contained herein.

16. Respondents understand that this Agreed Entry resolves only the matters pending with the Department and does not affect any criminal prosecution or civil litigation that may be pending or hereinafter commence against Respondents.
17. This Agreed Entry does not in any way affect the Department's authority in future audits, investigations, examinations, negotiations, or other complaints involving Respondents.
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 Respondents from further participation in or resolution of these proceedings.
20. If this Agreed Entry is accepted by the Commissioner, it will become part of Respondents' permanent records and may be considered in future actions brought by the Department or any other regulator against Respondents. 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.

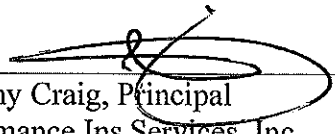
21. Respondents acknowledge that this is an Administrative Action which Respondents may be required to report to other jurisdictions in which Respondents are licensed and on future licensing applications.

09/19/2024
Date Signed



Joseph Bossinger, Attorney #35166-49
Indiana Department of Insurance

9/16/2024
Date Signed



Timothy Craig, Principal
Performance Ins Services, Inc.
Respondents

