

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 23418-AG24-0611-097

IN THE MATTER OF:)
)
Mitzi J. Hernandez)
533 Knightsbridge Drive)
Hamilton, OH 45011)
)
Applicant.)
)
Type of Agency Action: Enforcement)
)
License Application #: 1148631)

FILED
AUG 20 2024
STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

The Enforcement Division of the Indiana Department of Insurance (“Department”), by counsel, Joseph Bossinger, and Mitzi J. Hernandez (“Applicant”), an applicant for a nonresident producer license, 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 two hundred and fifty dollar (\$250) civil penalty against Applicant for failing to disclose a May 10, 2021, Consent Order with the Ohio Department of Insurance, 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, attached, 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. Applicant shall pay a civil penalty in the amount of two hundred and fifty dollars (\$250) to the Department within thirty days (30) after the Commissioner signs this Final Order. Applicant's nonresident producer license shall be granted contingent upon Applicant timely paying the civil penalty. Failure to timely pay the civil penalty may result in the Department taking other administrative action.

8/29/24

Date Signed



Amy L. Beard, Commissioner
Indiana Department of Insurance

Distribution:

Mitzi J. Hernandez
533 Knightsbridge Drive
Hamilton, OH 45011

Joseph Bossinger, Attorney
ATTN: Hana Biele, Insurance Investigator
Indiana Department of Insurance
311 West Washington St., Suite 103
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 Mitzi J. Hernandez (“Applicant”), 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, on May 29, 2024, Applicant submitted an application for nonresident producer licensure;

WHEREAS, on said application, Applicant failed to disclose a May 10, 2021, Consent Order with the Ohio Department of Insurance;

WHEREAS, Indiana Code § 27-1-15.6-12(b)(1) states, in part, the Commissioner may levy a civil penalty for providing incorrect, misleading, incomplete, or materially untrue information in a license application; and

WHEREAS, the Department and Applicant (collectively, “the Parties”) desire to resolve this matter without 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, Applicant has determined that it is in Applicant's best interest to enter into this Agreed Entry. As such, Applicant acknowledges that Applicant 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. Applicant 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. Applicant 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. Applicant 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. Applicant shall pay a civil penalty in the amount of two hundred and fifty dollars (\$250) to the Department within thirty days (30) after the Commissioner signs the Final Order approving this Agreed Entry. Applicant's nonresident producer license shall be granted contingent upon Applicant timely paying the civil penalty. Failure to timely pay the civil penalty may result in the Department taking other administrative action against Applicant.
8. Applicant has carefully read and examined this Agreed Entry and fully understands its terms.
9. Applicant has had the opportunity to have this Agreed Entry reviewed by legal counsel of Applicant's choosing, at Applicant's own expense, and is aware of the benefits gained and obligations incurred by the execution of this Agreed Entry. Applicant understands and agrees that the Department cannot give Applicant legal advice.
10. Applicant has entered into this Agreed Entry knowingly, voluntarily, and freely, and has 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 Applicant to enter this Agreed Entry.
12. The Department agrees to accept Applicant's compliance with the terms of this Agreed Entry as full satisfaction of this matter and warrants and represents that so long as Applicant complies with the terms of this Agreed Entry, the Department

will not bring any further action against Applicant 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 this matter and pursue alternative action pursuant to Indiana Code § 27-1-15.6-12.
14. Applicant waives any applicable statute of limitations for purposes of any enforcement of the terms and conditions of this Agreed Entry.
15. Applicant acknowledges that this Agreed Entry may be admitted into evidence in any judicial or administrative proceeding against Applicant to enforce the terms and conditions contained herein.
16. Applicant 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 Applicant.
17. This Agreed Entry does not in any way affect the Department's authority in future audits, investigations, examinations, negotiations, or other complaints involving Applicant.
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 Applicant from further participation in or resolution of these proceedings.

20. If this Agreed Entry is accepted by the Commissioner, it will become part of Applicant's permanent record and may be considered in future actions brought by the Department or any other regulator against Applicant. 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. Applicant acknowledges that this is an Administrative Action that Applicant may be required to report to other jurisdictions in which Applicant is licensed and on future licensing applications.

08/12/2024
Date Signed

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

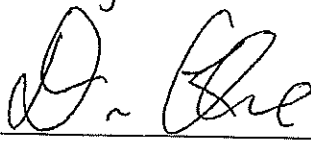
08-07-2024
Date Signed

Mitzi J. Hernandez, Applicant

STATE OF OHIO)
COUNTY OF Butler) SS:

Before me a Notary Public for Butler County, State of Ohio,
personally appeared Mitzi J. Hernandez, and being first duly sworn by me upon their oath, says
that the facts alleged in the foregoing instrument are true.

Signed and sealed this 7th day of August, 2024.


Signature
Daniel Kloenne
Printed

My Commission expires: 03/25/2026

County of Residence: Butler



DANIEL KLOENNE
Notary Public, State of Ohio
My Commission Expires
March 25, 2026
COMMISSION: 2021-RE-10029077

Return executed originals to:
INDIANA DEPARTMENT OF INSURANCE
Enforcement Division
311 West Washington Street, Suite 103
Indianapolis, IN 46204-2787
Telephone: (317) 232-2385

Indiana Department of Insurance – CONFIDENTIAL AND PRIVILEGED
Enforcement Division

To: Ronda Ankney, Chief Deputy Commissioner
Cc: Joseph Bossinger, Attorney
From: Hana Biele, Investigator
Date: July 22, 2024

Re: Mitzi J. Hernandez (“Applicant”)
Cause No.: 23418-AG24-0611-097

Purpose:

The purpose of this memo is to request the Commissioner approve the attached Agreed Entry and Final Order, which grants Applicant a nonresident producer license and levies a \$250 fine due to Applicant failing to disclose an administrative action.

Issue:

Whether a nonresident producer applicant, that failed to disclose an administrative action, should be granted a license and levied a \$250 fine.

Facts:

Applicant’s home state is Ohio, where Applicant’s license is active and in good standing. Applicant applied for an Indiana nonresident producer license on May 29, 2024. Applicant failed to disclose an administrative action on their application.

On May 10, 2021, the Ohio Department of Insurance issued a Consent Order levying a \$400 fine due to Applicant’s misstatement on their application.

Mitigating Factors:

1. Ohio administrative action is not a big red flag and Applicant is working with the Department.

Analysis:

Indiana Code § 27-1-15.6-12(b)(1) states, in part, the Commissioner may levy a civil penalty for providing incorrect, misleading, incomplete, or materially untrue information in a license application.

The Enforcement Division believes granting Applicant licensure and levying a \$250 civil penalty is appropriate due to Applicant’s failure to disclose one administrative action on their application.

Recommendation

We request that the Commissioner approve the attached Agreed Entry and Final Order which grants Applicant a nonresident producer license and levies a \$250 fine due to Applicant failing to disclose an administrative action.



Hana Biele, Investigator