

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 11751-AD12-1127-060

IN THE MATTER OF:)
)
Insurance Agent License)
Application of:)
)
Amanda L. Martinez)
134 E. Taber Street)
Fort Wayne, IN 46807)

FILED
MAY 15 2013
STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On April 16, 2013, the Administrative Law Judge, filed his Findings of Fact, Conclusions of Law and Recommended Order in the above-captioned matter.

1. The Department served Findings of Fact, Conclusions of law, and Recommended Order and Notice of Filing Recommended Order on Respondents by mailing the same to her home address.
2. The Department has complied with the notice requirements of Ind. Code §4-21.5-3-17.
3. Applicant timely filed an objection with the Commissioner on May 3, 2013.
4. The Department timely filed a Response to Applicant's objection to the Recommended Order filed on May 13, 2013.

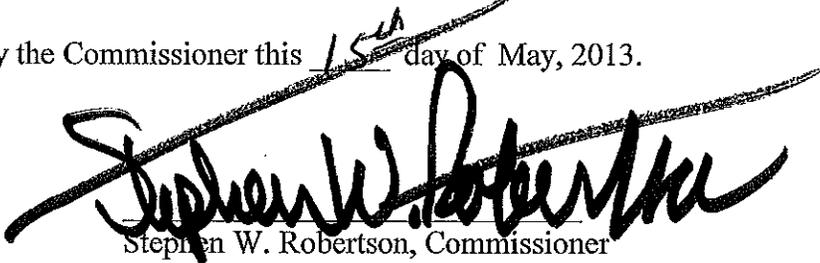
Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. The Preliminary Administrative Order and Notice of License Denial of December 7, 2012 is upheld, denying Applicant's insurance producer license application.

Under Ind. Code §4-21.5-5-5, Respondent has the right to appeal this Final Order by filing a petition for Judicial review in the appropriate court within thirty (30) days.

ALL OF WHICH IS ORDERED by the Commissioner this 15th day of May, 2013.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Amanda L. Martinez
134 E. Tabor Street
Fort Wayne, IN 46807

Robert L. Hummel, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
CAUSE NUMBER:11751-AD12-1127-060

IN THE MATTER OF:)

Insurance Agent License)
Application of:)

Amanda L. Martinez)
134 E. Tabor Street)
Fort Wayne, IN 46807)

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STATE OF INDIANA
DEPT. OF INSURANCE

ENFORCEMENT DIVISION'S RESPONSE TO APPLICANT'S

OBJECTION TO THE RECOMMENDED ORDER

The Enforcement Division of the Indiana Department of Insurance ("Enforcement Division") hereby files its Response to Applicant's Objection to the Administrative Law Judge's Recommended Order.

Applicant, in an undated letter to the Commissioner and received by the Department on May 3, 2013, objects to the Administrative Law Judge's Recommended Order dated April 16, 2013. Applicant points out that the crimes she committed were not crimes of dishonesty nor did those crimes involve money or a breach of trust. The Commissioner has the discretion to deny an insurance producer license application if the applicant has been convicted of a felony, any felony, whether or not an element of the crime was dishonesty or breach of trust. Ind. Code §27-1-15.6-12(b)(6).

Applicant has been convicted of two (2) felonies: in March 2007 for Operating a Vehicle While Intoxicated – Endangerment (Child in Vehicle) (D felony) and in April 2010 for Operating a Vehicle While Intoxicated – Previous Convictions (D felony). In addition, Applicant had a conviction for Operating a Vehicle While Suspended (A misdemeanor) in March 2000. That case included three (3) instances where she failed to

appear in court and was found in contempt, failure to complete community service, and violation of her probation. In June 2007, Applicant was charged with Driving While Suspended and although the case was eventually dismissed, she failed to appear in court and a warrant was issued for her arrest. Relating to her second felony case, Applicant admitted to a probation violation in May 2011. In February 2010, Applicant was again charged with Driving While Suspended and the charge was dismissed only after Applicant entered into a pre-trial diversion program agreement. In that case, the court had difficulty in contacting Applicant because she had moved and left no forwarding address. In October 2010, Applicant was once more charged with Driving While Suspended and again the charge was dismissed after Applicant entered into a pre-trial diversion program agreement. In September 2012, Applicant failed to appear in a small claims action against her. As was brought out in the hearing, according to the Indiana Official Driver Record, Applicant's driver's license has been suspended fifteen (15) times from May 1998 to June 2010.

In her objection to the Recommended Order, Applicant asked the Commissioner for a second chance. In fact, as the evidence shows, Applicant was provided with many chances to turn her life around by the courts of Allen, Huntington, and Miami counties and she failed to do so. The risk of giving Applicant yet another chance by granting her an insurance producer license would fall on the insuring public, a burden they should not be expected to bear.

WHEREFORE, the Enforcement Division of the Department of Insurance respectfully requests that the Commissioner adopt in full the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order denying Applicant's insurance producer license application.

Respectfully Submitted,

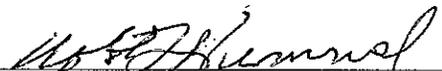
A handwritten signature in black ink, appearing to read "Robert L. Hummel", written over a horizontal line.

Robert L. Hummel
Attorney #20936-49

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been served upon Amanda L. Martinez by depositing a copy of same in the United States mail, postage prepaid, this 13th day of May, 2013.

Amanda L. Martinez
134 E. Taber Street
Fort Wayne, IN 46807


Robert L. Hummel
Attorney #20936-49

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