

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
CAUSE NUMBER:11917-AD13-0207-004

IN THE MATTER OF:)

Insurance Agent License)
Application of:)

Adam R. Wallace)
352 S. Jackson St., Apt. 2)
Frankfort, IN 46041)

FILED

JUL 02 2013

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On June 3, 2013, the appointed Administrative Law Judge, Holly Williams, filed her 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 of Recommended Order on Applicant by mailing the same to his home address.

2. The Department has complied with the notice requirements of Ind. Code §4-21.5-3-17.

3. Applicant has not filed an objection with the Commissioner regarding the Administrative Law Judge's Recommended Order, and more than eighteen (18) days have elapsed.

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 February 12, 2013 is reversed and Applicant's insurance producer license application is approved on a probationary basis.

2. Applicant's insurance producer license is subject to a probationary period of one (1) year from the date of issue.

Under Ind. Code §4-21.5-5-5, Applicant 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 2nd day of ~~June~~^{July}, 2013.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Adam R. Wallace
352 S. Jackson St., Apt. 2
Frankfort, IN 46041

Robert L. Hummel, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 103
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NOTICE OF FILING OF RECOMMENDED ORDER

The parties to this action are hereby notified that the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order are deemed filed as of this date.

To preserve an objection to this Order for judicial review, you must object to the Order in a writing that: (1) identifies the basis of your objection with reasonable particularity; and (2) is filed with the ultimate authority for the Final Order, Stephen W. Robertson, Commissioner of the Department of Insurance, within eighteen (18) days from the date stamped on this Order.



Holly Williams
Administrative Law Judge

Distribution:
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Washington Street, Suite 103
Indianapolis, Indiana 46204

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352 S. Jackson St., Apt 2
Frankfort, Indiana 46041

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**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND RECOMMENDED ORDER**

Administrative Law Judge, Holly Williams, having considered and reviewed all of the evidence, will now render a decision in the matter of Applicant Adam Wallace (“Applicant”) under Cause No. 11917-AD13-0207-004. This matter came to be heard on March 5, 2013, at the Indiana Department of Insurance, 311 West Washington Street, Indianapolis, Indiana.

The Indiana Department of Insurance (“Department”) was represented at the hearing by counsel, Robert Hummel. Applicant attended the hearing and was not represented by counsel. At the hearing, witnesses testified under oath, evidence was heard, and exhibits were received into evidence.

Based upon the evidence presented at the hearing, the Administrative Law Judge now makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. Applicant was properly notified of the above referenced hearing date and time by U.S. Certified Mail #9214 8901 0661 5400 0012 2516 01.

2. The Department received Applicant's life, accident, and health insurance producer license application on or about January 29, 2013. *Exhibit 1.*

3. Applicant's license application was denied on February 12, 2013, by order of the Commissioner due to Applicant having pled guilty to felony convictions for Operating While Intoxicated, Operating Vehicle with ACE .15 or More, Endangering a Person, and Possession of Marijuana in March 2010. *Preliminary Administrative Order and Notice of License Denial; Transcript pgs. 7-8.*

4. On February 15, 2013, Applicant submitted a request for an administrative hearing to reconsider the denial of his insurance producer application. *Exhibit 3.*

5. Applicant pled guilty to a misdemeanor charge of possession of marijuana in June 1998 in Howard County, Indiana. Applicant stated that he had been in possession of four (4) to five (5) grams of marijuana at the time. *Exhibits 4 and 5; Transcript pgs. 42-43.*

6. Applicant pled guilty to a misdemeanor charge of Operating a Vehicle with an Alcohol Concentration Equivalent of .08 or higher in July 2005, in Hamilton County, Indiana. *Exhibits 8 and 9.*

7. Applicant testified that his blood alcohol registered at .09. He was ordered to spend sixty (60) days, all suspended but thirty (30), in the Hamilton County Jail. Additionally, Applicant had to complete the CARE program, a drug and alcohol program, and complete forty (40) community service hours. *Exhibits 8 and 9; Transcript pgs. 52-54.*

8. Applicant opted to spend a month in jail rather than completing the probation requirements related to his July 2005 conviction. *Exhibit 8; Transcript pgs. 57-59.*

9. Applicant did not originally disclose his misdemeanor convictions on his insurance producer license application. After Department Investigator Cuthbert informed him as to the

necessity of reporting the misdemeanors, he provided that information to the Department. *Transcript pgs. 39-40.*

10. Applicant's mother, Donna McGee, testified that Applicant went through a positive change in his life three (3) years ago after his release from jail. *Transcript pgs. 22, 25-26.*

11. Applicant began reading the Bible regularly after his release from jail in 2010. The Bible has helped him to realize the value of life and the impact we can have on others. *Transcript pg. 27.*

12. Applicant has become very involved with his church. He has participated in outreach events and mission trips. Applicant volunteered to go to Kentucky in order to help rebuild homes for qualified families. He also volunteers every Saturday at East Side Christian Church working with youth and community members. *Transcript pgs. 20, 28-29.*

13. Applicant spent approximately six (6) months attending Alcoholics Anonymous meetings then joined a twelve-step religious based alcohol recovery group called Celebrate Recovery. Applicant has not had an alcoholic drink since December 5, 2009. *Transcript pgs. 29-31.*

14. Applicant submitted seven (7) letters of recommendation including letters from several pastors, a Frankfort (Indiana) Police Department lieutenant, a Frankfort City councilman, a Clinton County Sheriff's Department lieutenant, and the Mayor of Frankfort. *Exhibit A.*

15. Applicant testified that he was raised by his maternal grandfather, who had a career in the insurance industry working for Commonwealth Insurance. *Transcript pg. 15.*

16. Applicant testified that if he obtained an insurance producer license, he would work for American Income Life out of the Indianapolis office. *Transcript pgs. 20-21.*

17. Applicant testified that American Income Life state director, Michael LiBassi, would be his direct supervisor if Applicant is granted an insurance producer license. *Transcript pg. 83.*

18. Applicant is currently unemployed. If he does not receive an insurance producer license, he has an interview with Tru-Green Lawn Care Company doing door-to-door sales. *Transcript pg. 35.*

19. Applicant dropped out of high school in 1997 because of poor attendance and grades. Applicant was offered the opportunity to work for a dry-walling company. Soon after dropping out Applicant obtained his GED. *Transcript pgs. 43-44.*

20. Applicant graduated from Lincoln Tech in 2003 with an Associate's degree in mechanical drafting and auto cad. *Transcript pg. 37.*

21. Applicant is currently pursuing an Associate's degree in Christian ministries at Indiana Wesleyan. Due to financial constraints he has temporarily put his education on hold. However, Applicant has already completed five courses in pursuit of his degree. *Transcript pgs. 79-80.*

22. Applicant submitted a Certificate of Completion for Dave Ramsey's Financial Peace University completed in July 2012. Applicant earned the Certificate after completing a thirteen week course on financial responsibility. *Exhibit C; Transcript pgs. 13-14.*

23. Conclusions of Law that can be adopted as Findings of Fact are hereby incorporated herein as such.

CONCLUSIONS OF LAW

24. The Commissioner of Insurance has jurisdiction over both the subject matter and the parties to this action.

25. This hearing was held in compliance with the Administrative Orders and Procedures Act of the Indiana Code, codified at Ind. Code § 4-21.5 et seq. All procedures and rules set forth by such Act have been followed in this matter.

26. Service of process was completed via the use of the United States Mail in compliance with the statute and due process requirements.

27. Ind. Code §27-1-15.6-12(b)(6) states that the Commissioner may refuse to issue an insurance producer license if the applicant has been convicted of a felony.

28. Applicant's felony convictions relate to misuse of alcohol and marijuana and do not involve dishonesty or violence. *Exhibit 1; Transcript p. 39-40.*

29. Applicant has taken positive steps towards overcoming his substance abuse. Applicant took an active role in drug and rehabilitation programs such as Alcoholics Anonymous and Celebrate Recovery. Applicant has maintained sobriety since December 5, 2009. Furthermore, Applicant has become increasingly involved in ministry programs and community outreach. He has had no criminal convictions since March 2010.

30. The letters of recommendation speak to Applicant's reliable, responsible, and committed character. *Exhibit A.*

31. Applicant has met his burden of proof demonstrating that the Commissioner's Preliminary Administrative Order and Notice of License Denial was in error and should be reversed.

32. Findings of Fact that can be adopted as a Conclusion of Law are hereby incorporated herein as such.

RECOMMENDED ORDER

With the Findings of Fact and the Conclusions of Law as stated, the Administrative Law Judge now recommends to the Commissioner of Insurance the following:

1. The Preliminary Administrative Order and Notice of License Denial of February 12, 2013, should be reversed and Applicant's insurance producer license application should be approved on a probationary basis.
2. Applicant's insurance producer license should be subject to a probationary period of one (1) year from the date of issue.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 3rd day of June 2013.


Holly Williams
Administrative Law Judge

Distribution:

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