

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER:12158-AD13-0422-012

IN THE MATTER OF:)

Insurance Agent License)
Application of:)

Holden H. Crossland)
6350 Central Avenue)
Indianapolis, IN 46220)

FILED

OCT 04 2013

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On August 28, 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 May 2, 2013 should be upheld, denying Applicant's insurance producer license application at this time.

2. Applicant should be allowed to re-apply for an insurance producer license upon successful completion of the probation requirements set forth in his criminal case.

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 4th day of ^{October} September, 2013.



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Holden H. Crossland
6350 Central Avenue
Indianapolis, IN 46220

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:12158-AD13-0422-012

IN THE MATTER OF:)

Insurance Agent License)
Application of:)

Holden H. Crossland)
6350 Central Avenue)
Indianapolis, IN 46220)

FILED

AUG 28 2013

STATE OF INDIANA
DEPT. OF INSURANCE

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:
Robert L. Hummel
Indiana Department of Insurance
Washington Street, Suite 103
Indianapolis, Indiana 46204

Holden Crossland
6350 Central Avenue
Indianapolis, IN 46220

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER:12158-AD13-0422-012

IN THE MATTER OF:)

Insurance Agent License)
Application of:)

Holden H. Crossland)
6350 Central Avenue)
Indianapolis, IN 46220)

FILED

AUG 28 2013

STATE OF INDIANA
DEPT. OF INSURANCE

**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 Holden Crossland ("Applicant") under Cause No. **12158-AD13-0422-012**. This matter came to be heard on May 30, 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 0015 0630 89.

2. The Department received Applicant's life, accident, and health resident insurance producer license application on February 14, 2013. *Exhibit 2.*

3. On May 2, 2013, Applicant's license application was denied due to Applicant's conviction for Resisting Law Enforcement, a class D Felony, in March 2013. *Exhibit 1.*

4. On May 8, 2013, Applicant requested an administrative hearing to reconsider the Commissioner's Preliminary Administrative Order and Notice of License Denial. *Exhibit 4.*

5. Pursuant to the Probable Cause Affidavit, on January 6, 2013, Applicant became verbally abusive towards an employee of the establishment Applicant was patronizing that evening. An off-duty, uniformed Indianapolis Metropolitan Police Officer was working nearby and approached Applicant. After approaching, Applicant pushed the officer, who lost his balance on a piece of debris and fell on his back on the street. Applicant moved on top of the officer and struck the officer in the face with a closed fist. With assistance, Applicant was eventually restrained. *Exhibit 5.*

6. Applicant stated that he had been drinking a significant amount that evening. *Transcript pg. 56.*

7. Applicant was charged with Resisting Law Enforcement (Class D felony), Battery on an Officer (Class D felony), Resisting Law Enforcement (Class A misdemeanor), and Disorderly Conduct (Class B misdemeanor). *Exhibit 5.*

8. On March 21, 2013, Applicant entered into a Plea Agreement and pled guilty to Resisting Law Enforcement, a class D felony. Applicant was sentenced to five hundred forty-five (545) days with credit for two (2) days. Five hundred and forty-three days were suspended on probation. Applicant was also sentenced to twelve (12) weeks of Anger Management classes,

alcohol treatment, twenty-four (24) hours of community service work, and alternative minimum sentencing upon successfully completion of probation. *Exhibit 6.*

9. Applicant plans to complete his community service work by working at the Tabernacle Presbyterian Church on East 34th Street in Indianapolis. *Exhibit A; Transcript pg. 15.*

10. As of the hearing date, Applicant was in the process of completing the twelve (12) weeks of anger management classes required by his probation. *Exhibit 6; Transcript pgs. 60-61.*

11. Both of Applicant's parents have worked in the insurance industry for a combined seventy (70) years. *Transcript pg. 7.*

12. Applicant obtained his Bachelor of Arts degree in psychology with a minor in economics from Miami University (Ohio) and graduated with a 2.98 grade point average. *Exhibit A; Transcript pgs. 12-13.*

13. Applicant scored a 90 on the license exam following the life, accident, and health pre-licensing course. *Exhibit A; Transcript pg. 13.*

14. Applicant works for RCH Cable and performs door-to-door enrollment and scheduling for consumers to receive home energy assessments. *Exhibit 2; Transcript pgs. 14, 32-33.*

15. Applicant anticipates working for Insource Company as an independent contractor if he obtains his insurance producer license. *Transcript pgs. 8, 21.*

16. Applicant and his father participated in the Big Brother and Big Sister program for a period of five (5) years. *Transcript pgs. 18, 25.*

17. During Applicant's sophomore year at Miami University, Applicant was stopped for driving while intoxicated while traveling from Miami University to West Lafayette, Indiana but that record was sealed and expunged. *Transcript pgs. 23, 48, & 65.*

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

CONCLUSIONS OF LAW

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

20. 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.

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

22. 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.

23. Applicant's felony conviction only occurred earlier this year and involved a physical altercation with a uniformed police officer.

24. Applicant has demonstrated some mitigating factors including completing his Bachelor degree, successfully completing the insurance producer's exam, abiding by his probation requirements, and maintaining employment.

25. Despite the mitigating circumstances, Applicant has failed to meet his burden of proof to show that the Commissioner's decision to deny the insurance producer license application should be reversed.

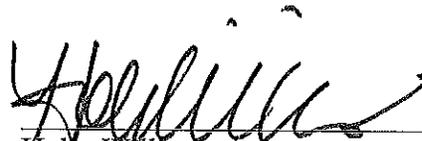
26. Findings of Fact that can be adopted as a Conclusion of Law are hereby incorporated herein as such.

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 May 2, 2013, should be upheld, denying Applicant's insurance producer license application at this time.
2. Applicant should be allowed to re-apply for an insurance producer license upon successful completion of the probation requirements set forth in his criminal case.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 28th day of August 2013.



Holly Williams
Administrative Law Judge

Distribution:

Holden H. Crossland
6350 Central Avenue
Indianapolis, IN 46220

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