

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER:13237-AG15-0205-021

IN THE MATTER OF:)

TERRY LARSON)

Respondent)

2635 E. State Rd. 114-92)
Huntington, IN 46750)

Type of Agency Action: Enforcement)

FILED

JUN 03 2016

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On April 5, 2016, the Administrative Law Judge, Reuben B. Hill, 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 Respondent by mailing the same to his Counsel of record.

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

3. Neither party has filed an objection with the Commissioner regarding the Administrative Law Judge's Findings of Fact, Conclusions of Law and 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 refusal to issue Respondent's Indiana Producer License is affirmed.

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 3 day of June, 2016.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Donald Swanson, Jr.
Attorney for Respondent
444 E. Main St.
Fort Wayne, IN 46802

Calla Dain
Indiana Department of Insurance
311 W. Washington St., Suite 300
Indianapolis, IN 46204

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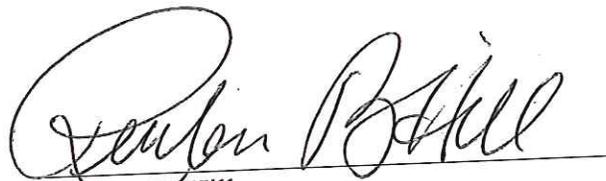
APR 05 2016

STATE OF INDIANA
DEPT. OF INSURANCE

NOTICE OF FILING OF RECOMMENDED ORDER

The parties of this action are hereby notified that the Administrative Law Judge's Recommended Order is 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 for your objection with reasonable particularity; and 2) is filed with the ultimate authority for the Final Order, the Commissioner of the Department of Insurance within eighteen (18) days from the date of this Order.



Reuben B. Hill
Administrative Law Judge

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

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CAUSE NUMBER:13237-AG15-0205-021

IN THE MATTER OF:)

TERRY LARSON)

Respondent)

2635 E. State Rd. 114-92)
Huntington, IN 46750)

Type of Agency Action: Enforcement)

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

Administrative Law Judge Reuben B. Hill, having considered and reviewed all of the evidence, now renders a decision in the matter of the License Renewal Application of Terry Larson ("Respondent"). This matter came to be heard by the Administrative Law Judge at the Indiana Department of Insurance, 311 W. Washington St, Indianapolis IN.

The Department was represented by counsel Joshua Harrison. Respondent appeared in person and with legal counsel Donald Swanson, Jr. Testimony was heard and exhibits were received into evidence.

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

FINDINGS OF FACT

1. Respondent is a licensed resident insurance producer holding license number 1976240.
2. Respondent's license expired on January 31, 2016.
3. On October 16, 2015, the Department filed its "Administrative Order Notice of Nonrenewal of License" ("the Order").
4. The Order stated that on August 4, 2014, the Enforcement Division received notification from MetLife Insurance Company of the termination of Respondent's appointment due to falsifying insurance applications.
5. Citing Indiana Code § 27-1-15.6-12(b)(8), the Order stated that the Commissioner may refuse to renew a producer's license for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana.
6. The Order further notified the Respondent that should he wish for a review of this decision, he must notify the Department within sixty-three (63) days.
7. The Respondent notified the Department that he wished to have a hearing on the matter.
8. A hearing was conducted on January 14, 2016 with the Respondent present in person with counsel Donald Swanson, Jr. and the Department was represented by attorney Josh Harrison.
9. At the outset of the hearing, the Department laid out the basis of the Order as outlined therein. Respondent acknowledged that he understood the allegations and affirmed the facts as laid out.

10. The Department entered into evidence four exhibits.
 - a. Exhibit 1 was the investigator's notations from MetLife outlining the policies that contained fraudulent information.
 - b. Exhibit 2 was the Final Order adopting the Agreed Entry from the 2007 action against Respondent due to the termination from Allstate.
 - c. Exhibit 3 was the notice received by the Department from Allstate in relation to the 2007 termination for the submission of fraudulent documents.
 - d. Exhibit 4 was the Profit Improvement Plan to which Respondent was placed by MetLife.
11. Respondent had no objection to Exhibits 1, 2, 3, or 4.
12. Respondent was terminated from Allstate for discrepancies on applications submitted by Respondent to Allstate in 2007.
13. Due to the allegations of fraud from Allstate, the Department of Insurance issued a penalty of two hundred fifty dollars (\$250.00).
14. Respondent then testified as to each of the policies outlined in Exhibit 1.
15. Respondent was placed on a Profit Improvement Plan by MetLife prior to each of the policies at issue.
16. Respondent submitted misinformation on the applications in order to keep premiums down for each of the consumers and to increase the number of total sales as to meet the goals of the profit improvement plan.
17. Specifically, Respondent submitted a fraudulent application for his own personal auto policy. He indicated that he had not been involved in any accidents within

the past 3 years. While that application was being processed, he submitted a claim on his prior automobile policy for a minor accident that had occurred prior to the application for a new policy.

18. Because of the profit improvement plan, he would not have been eligible for the new automobile policy due to that accident. Knowing this, he submitted the application with the misinformation intentionally to avoid the restrictions of the profit improvement plan.

19. The issues described by MetLife and admitted to by Respondent were substantially similar the allegations that led to Respondent's termination from Allstate in 2007.

CONCLUSIONS OF LAW

1. The Commissioner of Insurance has jurisdiction over both the subject matter and the parties to this action.
2. This hearing was held in compliance with the Indiana Administrative Orders and Procedures Act.
3. Service of process was completed via the United States Mail in compliance with the statute and due process requirements.
4. Indiana Code § 27-1-15.6-12(b) states that the Commissioner may refuse to renew a producer's license due to a number of factors.
5. Specifically Indiana Code § 27-1-15.6-12(b)(8) states that the Commissioner may refuse to renew a producer's license for using fraudulent, coercive,

or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.

6. Indiana Code § 27-1-15.6-12(d) states that a licensee may request a hearing not more than sixty-three (63) days after notice of the nonrenewal of their producer's license to determine the reasonableness of the commissioner's action.

7. Indiana Code § 4-21.5-5-14(d)(1) requires that the party seeking judicial review must show the agency action was "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law."

8. 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 Nonrenewal of Respondent's Indiana Producer License should be affirmed.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 5th day of April, 2016.



Reuben B. Hill
Administrative Law Judge

Distribution:

Donald Swanson, Jr.
Attorney for Respondent
444 E. Main St.
Fort Wayne, IN 46802

Joshua Harrison, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 300
Indianapolis, IN 46204

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CAUSE NUMBER: 13237-AG15-0205-021

IN THE MATTER OF:)
)
Terry Larson,)
Respondent)
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2635 E State Rd 114-92)
Huntington, IN 46750)
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Type of Agency Action: Enforcement)
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Indiana Insurance License No. 1976240)

FILED

OCT 16 2015

STATE OF INDIANA
DEPT. OF INSURANCE

ADMINISTRATIVE ORDER
NOTICE OF NONRENEWAL OF LICENSE

The Indiana Department of Insurance (“Department”), pursuant to Indiana Code § 4-21.5-1 *et seq.*, and Indiana Code § 27-1-15.6-12, hereby gives notice to Terry Larson, (“Respondent”) of the following Administrative Order:

1. Respondent, a resident of Indiana, is a licensed insurance producer, holding license number 1976240 since March of 1983 (“Respondent’s license”).
2. Respondent’s license expires on January 31, 2016.
3. On or about July 30, 2007 the Enforcement Division of the Indiana Department of Insurance (“Enforcement Division”) received notification from Allstate Insurance Company that Respondent’s appointment was terminated for cause due to allegations of falsifying company documents.
4. On November 20, 2007, the Commissioner of the Indiana Department of Insurance (“Commissioner”) issued a two hundred fifty dollar (\$250.00) civil penalty by Final Order 5882-AG07-0906-247 against Respondent for the alleged conduct.

5. On or about August 04, 2014 the Enforcement Division received notification from MetLife Insurance Company that Respondent's appointment was terminated for cause due to allegations of falsifying insurance applications with incorrect information.

6. Pursuant to Indiana Code § 27-1-15.6-12(b)(8) the commissioner may refuse to renew a producer's license for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.

7. Indiana Code § 27-1-15.6-12(d) requires the Commissioner to notify a licensee of the reason for the nonrenewal of his license. This Order serves as that notice.

8. The Commissioner further notifies Respondent that, pursuant to Indiana Code § 27-1-15.6-12(d), Respondent may, within sixty three (63) days of the mailing of this Order, make a written demand upon the Commissioner for a hearing to determine the reasonableness of this action. Such a hearing shall be held within thirty (30) days from the date of receipt of Respondent's written demand.

WHEREFORE, based on the foregoing, the Commissioner of Insurance hereby notifies Respondent that **his license shall not be renewed.**

10-16-15

Date Signed


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Certified Mail Receipt: 91 7190 0005 2720 0050 2800