

STATE OF INDIANA)
)
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
CAUSE NUMBER: 14390-AD15-0728-022

IN THE MATTER OF:)
)
Insurance Producer License)
Application of:)
)
Lorene Kehoe)
11821 W. Larkspur Road)
El Mirage, AZ 85335)
)
Applicant)

FILED

JAN 29 2016

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On January 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 Applicant by mailing the same to her home address 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 renew Applicant's Indiana Producer License is affirmed.

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 29 day of January, 2016.



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:
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El Mirage, AZ 85335

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

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 14390-AD15-0728-022

IN THE MATTER OF:
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INSURANCE PRODUCER LICENSE)
APPLICATION OF:)

FILED

JAN 05 2016

Lorene Kehoe)
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11821 W. Larkspur Rd)
)
El Mirage, AZ 85335)
)
Type of Agency Action: Enforcement)

STATE OF INDIANA
DEPT. OF INSURANCE

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND RECOMMENDED ORDER

At the conclusion of the hearing in this matter, the parties were asked to submit Proposed Findings of Fact, Conclusions of Law, and Recommended Order. The Enforcement Division timely submitted its Proposed Findings of Fact, Conclusions of Law, and Recommended Order.

Administrative Law Judge Reuben B. Hill, having considered and reviewed all of the evidence, will now render a decision in the matter of Applicant Lorene Kehoe ("Applicant"). This matter came to be heard by Judge Reuben B. Hill, on December 9, 2015 at 11:13 a.m. at the Indiana Department of Insurance.

The Enforcement Division of the Indiana Department of Insurance ("Department") was represented by counsel, Brigitte Collier. Applicant appeared telephonically and without legal counsel. Evidence 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. Applicant submitted an application for an Indiana nonresident producer's license on July 14, 2015.

2. On July 31, 2015, the Department filed its "Preliminary Administrative Order and Notice of License Denial" ("the Order").

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

4. The Order noted that on the application, the Applicant failed to disclose that she had three (3) administrative actions and a license revocation.

5. Citing Indiana Code § 27-1-15.6-12(b) (9), the application was denied due to having an insurance producer's license revoked.

6. Additionally, citing Indiana Code § 27-1-15.6-12(b)(1), the denial of her license application was also due to her providing incorrect, misleading, incomplete, or materially untrue information in a license application by her failure to disclose her three (3) administrative actions to the Department on her application for licensure.

7. The Order further notified the Applicant that should she wish for a review of the decision, she must notify the Department within sixty-three (63) days.

8. The Applicant notified the Department that she wished to have a hearing on the matter.

9. A hearing was conducted on December 9, 2015 with the Applicant present telephonically and without legal counsel and the Department represented by attorney Brigitte Collier.

10. During the hearing, the Applicant admitted to the legitimacy of the administrative actions however, she states that she was not immediately aware of the actions because she had moved and had failed to provide a forwarding address to the state agencies that she held producer licenses from.

11. During the hearing, the Applicant also admitted that the Department had made several attempts to resolve the violations of Indiana Code and offered Applicant an Agreed Entry with fine, which she refused and did not request to withdraw her application.

12. The Department entered into evidence State Exhibit 1 as a copy of Applicant's online application that was submitted by the Applicant.

13. The Department entered into evidence State Exhibit 2 as a copy of Applicant's regulatory actions from the National Insurance Producers Registry ("NIPR") which listed the three (3) administrative actions.

14. The Department also entered into evidence State Exhibits 3 & 4 as copies of Applicant's Virginia Order Revoking License and California Order of Denial respectively.

15. Exhibit 1 shows Applicant's producer license application where "no" was entered to the question in regards to having been named a party to any administrative proceedings.

16. Exhibit 2 shows in detail, Applicant's three (3) administrative actions from the NIPR website, which Applicant had access to as a license producer.

17. Exhibits 3 & 4 show the 2012 Virginia Order Revoking License and the 2012 license denial from California.

18. The Department then requested that the Court take judicial notice of Indiana Code § 27-1-15.6-12(b)(1), which authorizes the Commissioner to refuse to issue a producer's license for providing incorrect, misleading, incomplete, or materially untrue information in a license application.

19. The Department also requested that the Court take judicial notice of Indiana Code § 27-1-15.6-12-(b)(9), which authorizes the Commissioner to refuse to issue an insurance producer's license for having an insurance producer's license or its equivalent, denied, suspended, or revoked in any other state, province, district or territory.

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 Administrative Orders and Procedures Act of the Indiana Code.

3. Indiana Code § 27-1-15.6-12(b) states that the Commissioner may deny a license application due to a number of factors.

4. Specifically Indiana Code § 27-1-15.6-12(b) (1), states that the Commissioner may refuse to issue a producer's license for providing incorrect, misleading, incomplete, or materially untrue information in a license application.

5. Additional, Indiana Code § 27-1-15.6-12-(b)(9), states that the Commissioner may refuse to issue an insurance producer's license for having an

insurance producer's license or its equivalent, denied, suspended, or revoked in any other state, province, district or territory.

6. Indiana Code § 4-21.5-5-14(a) places the burden of demonstrating the invalidity of the agency action upon the party requesting the judicial review.

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. Applicant's revocation of license warrant refusal of license denial under Indiana Code § 27-1-15.6-12(b) (9).

9. Additionally, Applicant's failure to disclose her three (3) administrative actions further warrant refusal of license denial under Indiana Code § 27-1-15.6-12(b)(1).

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

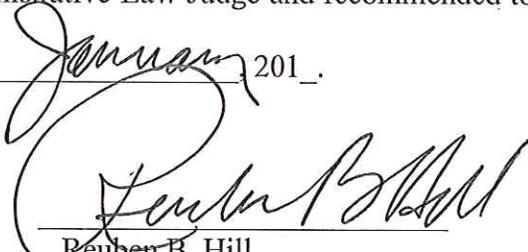
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RECOMMENDED ORDER

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. That the refusal to renew Applicant's Indiana Producer License be affirmed.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 5th day of January 2011.



Reuben B. Hill
Administrative Law Judge

Distribution: /

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STATE OF INDIANA
DEPT. OF INSURANCE

PRELIMINARY ADMINISTRATIVE ORDER
AND NOTICE OF LICENSE DENIAL

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

1. Applicant filed an application for licensure with the Commissioner of the Indiana Department of Insurance (“Commissioner”) on July 14, 2015.
2. Before approving an application, the Commissioner must find that the applicant has met specific requirements under Indiana Code §27-1-15.6-6 and Indiana Code §27-1-15.6-12.
3. Indiana Code §27-1-15.6-12(b) provides, in part, that the Commissioner may refuse to issue or renew an insurance producer license for providing incorrect, misleading, incomplete, or materially untrue information in a license application, and for having had an insurance producer’s license revoked.
4. Following a review of materials submitted by Applicant in support of her application, the Commissioner being fully advised, now hereby notifies Applicant that she has not fully met the requirements of licensure as stated by Indiana Code §27-1-15.6-12 for her failure

to disclose three (3) administrative actions on her application for licensure, and for having an insurance producer's license denied or revoked.

5. Indiana Code §27-1-15.6-12(d) provides that the applicant or licensee may, not more than sixty-three (63) days after notice of denial of the applicant's application or non renewal of the licensee's license is mailed, make written demand to the commissioner for a hearing before the commissioner to determine the reasonableness of the commissioner's action.

IT IS THEREFORE ORDERED that the Applicant's request for licensure is hereby DENIED pursuant to Indiana Code §27-1-15.6-12 (b).

7-31-15

Date Signed


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

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