

STATE OF INDIANA)
)
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 14445-AG15-0814-231

IN THE MATTER OF:)
)
Insurance Producer License)
Application of:)
)
Christopher Lyn)
7950 W. McNabb Rd.)
Tamarac, FL 33321)
)
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 his 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 29th day of January, 2016.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:
Christopher Lyn
7950 W McNabb Road
Tamarac, FL 33321

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

STATE OF INDIANA)
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IN THE MATTER OF:)
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INSURANCE PRODUCER LICENSE)
APPLICATION OF:)
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Christopher Lyn)
7950 W McNabb Rd)
Tamarac, FL 33321)
)
Type of Agency Action: Enforcement)

FILED

JAN 05 2016

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 by November 07, 2015. 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 Respondent Christopher Lyn ("Respondent"). This matter came to be heard by Judge Reuben B. Hill, on October 8, 2015 at 10:01 a.m. at the Indiana Department of Insurance.

The Enforcement Division of the Indiana Department of Insurance ("Department") was represented by counsel, Brigitte Collier. Respondent 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. Respondent has held a nonresident producer license since April 04, 2013.
2. Respondent's licensed expired on August 30, 2015.
3. On or about August 12, 2015, the Enforcement Division was notified by NIPR datablase that Respondent was issued a Ceased and Deceased Order from the Michigan Department of Insurance Financial Services.
4. On July 06, 2015 Respondent was subject to a license revocation by the Virgiania Department of Insurance for his failure to report the Michigan action and for his failure to respond to their inquiries.
5. Respondent did not disclose these actions to the Department.
6. On August 21, 2015, the Department filed its "Administrative Order Notice of Nonrenewal of License" ("the Order").
7. Service of process was completed via the United States Mail in compliance with the statute and due process requirements.
8. The Order noted that the Respondent did not disclosed his two administrative actions to the Department.
9. Citing Indiana Code § 27-1-15.6-12(b)(9), the refusal of his license renewal was due to having an insurance producer's license revoked.
10. Additionally, citing Indiana Code § 27-1-15.6-17(a), the refusal of his license renewal was also due to his failure to disclose his two administrative actions to the Department.

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

12. The Respondent notified the Department that he wished to have a hearing on the matter.

13. A hearing was conducted on October 8, 2015 with the Respondent present telephonically and without legal counsel and the Department represented by attorney Brigitte Collier.

14. During the hearing, the Respondent admitted he never obtained a certificate of authority as required by Michigan to conduct transactions of insurance.

15. The Respondent stated in regards to the Ceased and Deceased Order, that he was not immediatly aware of the Michigan Order and when he did become aware, he directed the human resource person in his office to report it into the NIPR database.

16. The Respondent further admitted to obtaining the license revocation from Virgiana Department of Insurance.

17. The Respondent also admitted to having access to the NIPR database to enter and view his information for all states that he is licensed to conduct the business of insurance.

18. The Department entered into evidence State exhibit B as a copy of Respondent's Final Ceased and Deceased Order from Michigan Department of Insurance.

19. The Department also entered into evidence State Exhibit C as a copy of Respondent's Order Revoking License from the Commonwealth of Virginia State Corporation Commission.

20. Both Exhibits B & C show that Respondent received two administrative action from other states. Furhermore, these Exhibits disclose that Respondent had an

opportunity to have a hearing for both matters but failed to make that request in both matters.

21. Furthermore, the Department also entered into evidence State Exhibit D as a copy of Respondent's individual NIPR Regulatory Action Report from the NIPR database.

22. Exhibit D shows that Respondent's Michigan action was entered into the NIPR database by Michigan on October 15, 2014 and the Virginia action was entered into the NIPR database by Virginia on July 8, 2015. Both actions were entered into the database within less than ten (10) days after being filed. Thus, giving Respondent further notice of the administration actions.

23. The Department then requested that the Court take judicial notice of Indiana Code § 27-1-15.6-12(b)(6) which gives the Commissioner the authority to refuse to renew an insurance producer's license for having a license revoked in any other state.

24. The Department also requested that the Court take judicial notice of Indiana Code § 27-1-15.6-17(a) which requires that a producer report to the Commissioner any administrative action taken against the producer in another jurisdiction not more than thirty (30) days after the final disposition.

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)(6) states that the Commissioner may deny a license for having a license revoked in any other state.

5. Additionally, Indiana Code § 27-1-15.6-12(b)(2)(A) permits the Commissioner to refuse to renew a license for violating an insurance law.

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. Respondent’s revocation of license warrant refusal of license renewal under Indiana Code § 27-1-15.6-12(b)(9).

9. Additionally, Respondent’s failure to disclose his two administrative actions further warrant refusal of license renewal under Indiana Code §§ 27-1-15.6-17(a) and 27-1-15.6-12(2)(A).

10. 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. That the refusal to renew Respondent’s Indiana Producer License be affirmed.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to
the Commissioner this 5 day of Jan, 2015.



Reuben B. Hill
Administrative Law Judge

Distribution:

Christopher Lyn
7950 W McNabb Rd
Tamarac, FL 33321

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

STATE OF INDIANA)
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Christopher Lyn,)
Respondent)
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7950 W McNabb Rd)
Tamarac, FL 33321)
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Type of Agency Action: Enforcement)
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Indiana Insurance License No. 873785)

FILED

AUG 21 2015

STATE OF INDIANA
DEPT. OF INSURANCE

ADMINISTRATIVE ORDER
NOTICE OF NONRENEWAL OF LICENSE

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

1. Respondent, a nonresident of Indiana, is a licensed insurance producer, holding license number 873785 since April of 2013 (“Respondent’s license”).
2. Respondent’s license expires on August 30, 2015.
3. On or about August 12, 2015 the Enforcement Division was notified by the NIPR database that on October 09, 2014 Respondent was issued a Cease and Desist Order from the Michigan Department of Insurance and Financial Services.
4. On July 06, 2015, Respondent’s license was revoked by the Virginia Department of Insurance for his failure to report the Michigan action, and for his failure to respond.
5. Respondent did not disclose these actions to the Department.

6. Pursuant to Indiana Code § 27-1-15.6-12(b)(9) the commissioner may refuse to renew a 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.

7. Pursuant to Indiana Code § 27-1-15.6-17(a), a producer shall report to the commissioner any administrative action taken against the producer in another jurisdiction or by another governmental agency in Indiana not more than thirty (30) days after the final disposition of the matter.

8. 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.

9. The Commissioner further notifies Respondent that, pursuant to Indiana Code § 27-1-15.6-12(d), Respondent may, within sixty three (63) days of receiving 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.**

8/21/2015
Date Signed


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Certified Mail Receipt: 91 7190 0005 2720 0047 7108