

STATE OF INDIANA)
)
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
CAUSE NUMBER: 14614-AD15-0929-039

IN THE MATTER OF:)
)
Insurance Producer License)
Application of:)
)
Naquesha Mayes)
10068 John Jay Dr.)
Indianapolis, IN 46235)
)
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 issue 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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Indianapolis, IN 46235

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.: 14614-AD15-0929-039

IN THE MATTER OF:)
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INSURANCE PRODUCER LICENSE)
APPLICATION OF:)
)
Naquesha Mayes)
10068 John Jay Dr)
Indianapolis, IN 46235)
)
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. 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 Naquesha Mayes ("Applicant"). This matter came to be heard by Judge Reuben B. Hill, on November 4, 2015 at 12:02 p.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 in person 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 resident producer's license on August 3, 2015.
2. On October 2, 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 disclosed that she had been convicted of conversion and battery, both Class A misdemeanors.
5. Citing Indiana Code § 27-1-15.6-12(b)(8), the application was denied due to having been convicted of conversion and battery, which demonstrate dishonest practices, or untrustworthiness or financial irresponsibility in the conduct of business in Indiana or elsewhere.
6. 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.
7. The Applicant notified the Department that she wished to have a hearing on the matter.
8. A hearing was conducted on November 4, 2015 with the Applicant present in person without legal counsel and the Department represented by attorney Brigitte Collier.
9. During the hearing, the Applicant admitted to having been convicted of conversion and battery.
10. The Department entered into evidence State Exhibit A as a copy of Applicant's case summary from Doxpop Court Case database.

11. The Department also entered into evidence State Exhibit B as a copy of Applicant's Arrest Affidavit for Probable Cause.

12. Exhibit A shows the chronological details of Applicant's conviction from the charge to the final disposition.

13. Exhibit B shows the details of incident from the arresting officer as a result of Applicant's conviction.

14. The Department then requested that the Court take judicial notice of Indiana Code § 27-1-15.6-12(b)(8) which gives the Commissioner the authority to deny an insurance producer's license request for dishonest practices, or untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.

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)(8) states that the Commissioner may deny a license for dishonest practices, or untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.

5. 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.

6. 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.”

7. Applicant’s conviction of conversion and battery warrant license denial under Indiana Code § 27-1-15.6-12(b)(8).

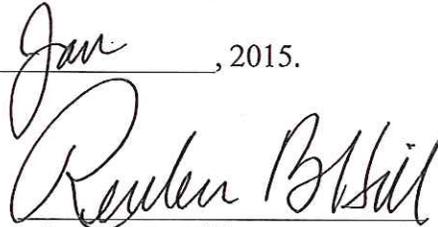
8. Findings of Fact that can be adopted as a Conclusion of Law are hereby incorporated herein as such.

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. That the refusal to issue 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 Jan, 2015.



Reuben B. Hill
Administrative Law Judge

Distribution:

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OCT 02 2015

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 Naquesha Mayes (“Applicant”) of the following Administrative Order:

1. Applicant filed an application for licensure with the Commissioner of the Indiana Department of Insurance (“Commissioner”) on August 03, 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 demonstrating untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.
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 due to her March 31, 2015 convictions for Conversion and Battery, both Class A Misdemeanors.

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).

10/2/2015

Date Signed



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

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