

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 15174-AD16-0322-016

IN THE MATTER OF:)
)
INSURANCE PRODUCER LICENSE)
APPLICATION OF:)
)
Amanda N. Hunt)
236 Highwood Dr)
Westfield, IN 46074)
)
Application ID: 525838)

FILED

AUG 19 2016

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On June 22, 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 her 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. That the refusal to issue Applicant's Indiana Producer License be 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 19th day of August, 2016.



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

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JUN 22 2016

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**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 Amanda Hunt ("Applicant"). This matter came to be heard by Judge Reuben B. Hill; on May 11, 2016 at 10:00 a.m. Eastern Time 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 March 14, 2016.
2. On April 1, 2016, 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 been convicted of two (2) misdemeanor conversions, a misdemeanor recklessness with a deadly weapon and a misdemeanor domestic battery.
5. 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 four (4) misdemeanor convictions to the Department on her application for licensure.
6. Additionally, citing Indiana Code § 27-1-15.6-12(b)(8), the application was denied due to having been convicted of conversion, which demonstrates dishonest practices, or untrustworthiness or financial irresponsibility in the conduct of business in Indiana or elsewhere.
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 May 11, 2016 with the Applicant present in person and without legal counsel and the Department represented by attorney Brigitte Collier.

10. During the hearing, the Applicant admitted to having been convicted of four (4) misdemeanor convictions and failed to disclose them on the Department's application for licensure.

11. The applicant also admitted to currently being on probation until November 2016 due to her most recent misdemeanor convictions on November 18, 2015 for recklessness committed with a deadly weapon and domestic battery.

12. The Department entered into evidence State Exhibits A-C as copies of Applicant's chronological case summary for her four (4) criminal convictions: the pretrial diversion of her December 03, 2007 charge for Conversion, a Class A Misdemeanor; the pretrial diversion of her April 22, 2010 charge for Conversion, a Class A Misdemeanor; the November 18, 2015 convictions for Domestic Battery, a Class A Misdemeanor; and the Criminal Recklessness Committed with a Deadly Weapon, a Class A Misdemeanor.

13. Applicant entered into evidence, Exhibit 1 as a copy of her Plea Agreement showing that she is on probation until November 2016 and the requirements of her plea.

14. Applicant further stated that she has completed most of the requirements on her Plea Agreement and is attending domestic violence classes.

15. 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.

1. The Department also 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.

CONCLUSIONS OF LAW

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

3. This hearing was held in compliance with the Administrative Orders and Procedures Act of the Indiana Code.

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

5. 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.

6. Additionally, 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.

7. 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.

8. 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."

9. Applicant's convictions of two (2) conversion warrant license denial under Indiana Code § 27-1-15.6-12(b)(8).

10. Additionally, Applicant's failure to disclose her four (4) criminal convictions further warrant refusal of license denial under Indiana Code § 27-1-15.6-12(b)(1).

11. 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 22 day of June, 2016.



Reuben B. Hill
Administrative Law Judge

Distribution:

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STATE OF INDIANA
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PRELIMINARY ADMINISTRATIVE ORDER
AND NOTICE OF LICENSE DENIAL

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

1. Applicant filed an application for licensure with the Commissioner of the Indiana Department of Insurance (“Commissioner”) on March 14, 2016.
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 using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, 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 her failure to disclose the pretrial diversion of her December 03, 2007 charge for Conversion, a Class A Misdemeanor, and the pretrial diversion of her April 22, 2010 charge for Conversion, a Class A Misdemeanor. Additionally, Applicant failed to disclose her November 18, 2015 convictions for Domestic Battery, a Class A Misdemeanor, and Criminal Recklessness Committed with a Deadly Weapon, a Class A Misdemeanor.

6. 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 Applicant's request for licensure is hereby DENIED pursuant to Indiana Code §27-1-15.6-12(b), for failing to disclose her criminal history in a license application.

4-1-16
Date Signed


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

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