

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 15321-AD16-0510-031

IN THE MATTER OF:)

INSURANCE PRODUCER LICENSE)
APPLICATION OF:)

Katie King)
753 McClure Rd.)
Columbus, IN 47201)

Applicant.)

FILED

SEP 19 2016

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On August 17, 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.

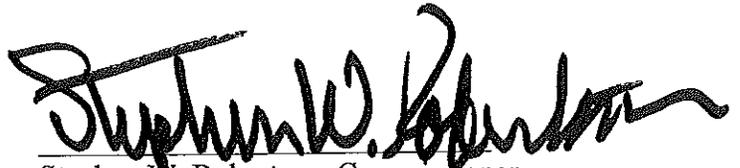
Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. The refusal to issue Applicant'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 19 day of September, 2016.



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Katie King
753 McClure Rd.
Columbus, IN 47201

Cathleen Nine-Altevogt, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 300
Indianapolis, IN 46204

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AUG 17 2016

STATE OF INDIANA
DEPT. OF INSURANCE

**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 Katie King ("Respondent"). This matter came to be heard by Judge Reuben B. Hill, on June 14, 2016 at 10:00 a.m. The hearing was conducted at the Indiana Department of Insurance at 311 West Washington, Street, Suite 300.

The Enforcement Division of the Indiana Department of Insurance ("Department") was represented by counsel, Cathleen Nine-Altevogt. Respondent 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. On April 21, 2016, Applicant submitted to the Department an application for an Indiana resident producer's license.

2. On May 13, 2016, the Department filed its Preliminary Administrative Order and Notice of License Denial ("Order") based on Respondent's disclosure of a July 10, 2012 conviction of Class A Misdemeanor Theft.

3. The Order noted that this conviction violated Indiana Code § 27-1-15.6-12(b)(8).

4. 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; the Applicant notified the Department that she wished to have a hearing on the matter.

5. A hearing was conducted on June 14, 2016 with the Applicant present in person and without legal counsel and the Department represented by attorney, Cathleen Nine-Altevogt.

6. During the hearing, the Applicant admitted that on January 24, 2012, she took several hundred dollars of clothing through a self-check-out line at a Wal-Mart in Goshen, Indiana and failed to pay for all the items.

7. Applicant testified that she was under the influence of narcotics and was a patient at a pain clinic at the time of the incident; Applicant said her doctor had prescribed OxyContin, Oxycodone, Klonopin, Neurontin and Meloxicam.

8. Applicant further stated that she was working as radiation therapist at the time of the incident and was concerned about the amount of medications she was prescribed but trusted her doctor; she continued as a patient at the pain clinic until May 2012.

9. On January 30, 2012, Applicant was charged with Class D Felony Theft in Elkhart Superior Court.

10. On July 10, 2012, Applicant pled guilty to Misdemeanor Theft in Elkhart Superior Court.

11. Applicant stated she was ordered to undergo a mental health and substance abuse evaluation as a result of her conviction and that she had successfully completed those requirements.

12. The Applicant offered her substance abuse evaluation as exhibit A and she offered, seven (7) letters of recommendation into evidence as Applicant's exhibits "B" through "H."

13. The Department entered into evidence Department Exhibits 1-3 as copies of Applicant's licensing application, the probable cause affidavit for the theft, and the chronological case summary of the conviction.

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. Applicant's conviction of misdemeanor theft, which demonstrates untrustworthiness, warrants license denial under Indiana Code § 27-1-15.6-12(b)(8).

6. 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 17 day of August, 2016.



Reuben B. Hill
Administrative Law Judge

Distribution:

Katie King
753 McClure Rd.
Columbus, IN 47201

Cathleen Nine-Altevogt, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 300
Indianapolis, IN 46204

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Cause No.: 15321-AD16-0510-031

IN THE MATTER OF:)
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INSURANCE PRODUCER LICENSE)
APPLICATION OF:)
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Katie King)
753 McClure Rd)
Columbus, IN 47201)
)
Application ID: 530821)

FILED

MAY 13 2016

STATE OF INDIANA
DEPT. OF INSURANCE

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 Katie King ("Applicant") of the following Administrative Order:

1. Applicant filed an application for licensure with the Commissioner of the Indiana Department of Insurance ("Commissioner") on April 21, 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)(8) provides, in part, that the Commissioner may refuse to issue or renew an insurance producer license for using fraudulent, coercive, or dishonest practices, demonstrating incompetence, or untrustworthiness.
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(b)(8) due to having been convicted on July 10, 2012 of misdemeanor theft.

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 Applicant's request for licensure is hereby DENIED pursuant to Indiana Code §27-1-15.6-12(b)(8), due to having been convicted of misdemeanor theft on July 10, 2012.

5/13/16
Date Signed


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Katie King
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