

STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF MARION    )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 5417-AG08-0604-188

IN THE MATTER OF:

Michael Droll,  
Respondent

DOC#184729  
Putnamville Correctional Facility  
1946 West U.S. Highway 40  
Greencastle, Indiana 46135

Type of Agency Action: Enforcement

Indiana Insurance License No. 1217890

**FILED**

JUN 03 2009

- STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**  
**DENYING RESPONDENT'S OBJECTION AND**  
**AFFIRMING ALJ's FINDINGS OF FACT, CONCLUSIONS OF LAW, AND**  
**RECOMMENDED ORDER**

The Commissioner of the Indiana Department of Insurance, James Atterholt, having read and reviewed the Administrative Law Judge (ALJ) John Kissling's Findings of Fact, Conclusions of Law, and Recommended Order, Respondent's Objection to Recommended Order/Motion For Judicial Review/and/or/ Dismissal, and now being duly advised in the premises **DENIES** said Objection pursuant to Indiana Code 4-21.5-3-29, and as ultimate authority in this case issues this Final Order **AFFIRMING** ALJ Kissling's Findings of Fact, Conclusions of Law, and Recommended Order of April 6, 2009.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

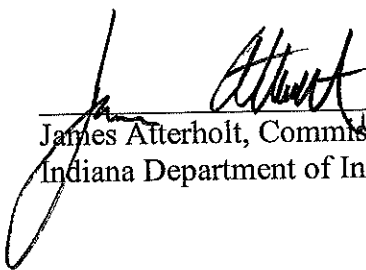
The Commissioner incorporates ALJ Kissling's Findings of Fact and Conclusions of Law in this Final Order.

**ORDER**

The Commissioner now Orders:

1. Respondent's insurance producer license #1217890 shall be permanently revoked.
2. Respondent shall pay a fine in the amount of ten thousand (\$10,000.00) dollars within sixty (60) day of the Commissioner's Final Order.

ALL OF WHICH IS ORDERED by the Commissioner this 3 day of June, 2009.

  
James Atterholt, Commissioner  
Indiana Department of Insurance

Distribution:

Michael Droll  
DOC#184729  
Putnamville Correctional Facility  
1946 West U.S. Highway 40  
Greencastle, IN 46135

Robert L. Hummel, Attorney  
Indiana Department of Insurance  
311 West Washington Street, Suite 300  
Indianapolis, IN 46204

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STATE OF INDIANA  
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**NOTICE OF FILING OF RECOMMENDED ORDER**

The parties of this action are hereby notified that the Administrative Law Judge's Findings of Fact, Conclusions of Law and Recommended Order are deemed filed as of this date.

To preserve an objection to this order for judicial review, you must object to the order in a writing that: 1) identifies the basis for your objection with reasonable particularity; and 2) is filed with the Commissioner of the Department of Insurance within eighteen (18) days from the date of this Order.

  
John R. Kissling, Jr.  
Administrative Law Judge

STATE OF INDIANA )  
 ) SS:  
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STATE OF INDIANA  
DEPT. OF INSURANCE

**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND RECOMMENDED ORDER**

Administrative Law Judge, John R. Kissling, Jr., having considered and reviewed all of the evidence, will now render a decision in the matter of Respondent Michael Droll ("Respondent"), which came to be heard on the 6th day of January, 2009 at 10:12 a.m. in the second floor conference room at the offices of the Indiana Department of Insurance.

The Indiana Department of Insurance was represented by counsel, Robert Hummel. Respondent was not present and was not represented by counsel. Witnesses testified under oath, 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 and Conclusions of Law, and issues his Recommended Order as follows:

### **FINDINGS OF FACT**

1. Respondent Michael K. Droll is a license resident producer, license no. 1217890.
2. Respondent was properly notified of the hearing date and time by U.S. Certified Mail #7004 1160 000 3843 0599.
3. The Respondent applied for a producer license in March of 2007. On the application he answered no to owing child support arrearage, when indeed he did have a child support arrearage. Respondent disclosed he had a felony conviction. (Exhibit C & D).
4. On April 24, 2007 a license denial hearing was held due to felony conviction for operating a motor vehicle while intoxicated. The recommended order filed July 20, 2007 granted the Respondent a probationary license of three (3) years contingent on reporting any arrests and/or convictions for any violation of law, report any voluntary or involuntary admission to hospital or facility for alcohol abuse or addiction, any change of employment within ten (10) days and notify of change of name or address within thirty (30) days to the Department. (Exhibit I).
5. On September 13, 2007 the Commissioner signed a Final Order adopting the recommended order of July 20, 2007.(Exhibit A).
6. Respondent owes a child support arrearage of twenty-three thousand five hundred sixty-eight dollars and fifty-eight cents (\$23,568.58). (Exhibit B).
7. Respondent has been convicted of a felony and currently is serving a seven (7) year sentence. Respondents release date is scheduled to be June 20, 2011. (Exhibit G).

8. Respondent did not notify the Department of his felony conviction. (Transcript pg. 18).
9. Respondent did not notify the Department of his address change within thirty (30) days. (Exhibit E & F).
10. On June 23, 2008 Respondent sent a response to charges to the Department denying five counts and admitting to not notifying the Department of his conviction or address change. He admitted to having an child support arrearage and said the reason he answered "no" on application was because no payment arrangement had been made. (Exhibit J).
11. On July 23, 2008 Respondent sent a letter to the Commissioner stating the Department was incorrect on several assumptions while admitting to the arrearage and incarceration. (Exhibit K).

#### **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. The Respondent provided incorrect, misleading or materially untrue information on insurance producer license application which is a violation of Indiana Code 27-1-15.6-12(B)(1) the Commissioner has the authority under statute to permanently revoke and/or impose a civil penalty.
4. The Respondent obtained a license through misrepresentation is a violation of Indiana Code 27-1-15.6-12 (B)(3) the Commissioner has the authority to

permanently revoke license and/or impose a civil penalty.

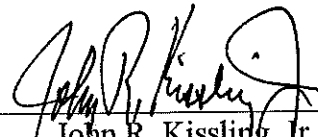
5. The Respondent failed to comply with the Commissioner's Final Order of September 13, 2007.
6. Failing to comply with an administrative court order is a violation of 27-1-15.6-12 (B)(13) the Commissioner can permanently revoke license and/or impose a civil penalty.
7. Findings of Fact that can be adopted as Conclusions 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. Respondent's insurance producer license #1217890 shall be permanently revoked.
2. Respondent shall pay a fine in the amount of ten thousand (\$10,000.00) dollars within sixty (60) days of the Commissioner's Final Order.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 6th day of April, 2009.

  
\_\_\_\_\_  
John R. Kissling, Jr.  
Administrative Law Judge

**Distribution:**

**Robert Hummel, Attorney  
Indiana Department of Insurance  
311 West Washington Street, Suite 300  
Indianapolis, IN 46240**

**Michael Droll  
DOC#184729  
Putnamville Correctional Facility  
1946 West U.S. Highway 40  
Greencastle, IN 46135**



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Greencastle, IN 46135                 )

**FILED**

JUL 09 2008

STATE OF INDIANA  
DEPT. OF INSURANCE

Type of Agency Action: Enforcement

Indiana Insurance License No. 1217890

**STATEMENT OF CHARGES**

The Enforcement Division of the Indiana Department of Insurance ("the Division"), pursuant to the Indiana Orders and Procedures Act, Ind. Code §4-21.5 *et seq.* and Ind. Code §27-1-15.6-12, hereby gives notice to Michael K. Droll ("Respondent") of the following charges:

**COUNT I**

1. Respondent is a licensed resident insurance producer, holding license number 1217890.
2. Respondent's license application was initially denied on March 15, 2007 due to his conviction of the felony of operating a motor vehicle while intoxicated.
3. Following an administrative hearing on April 24, 2007, Respondent was granted an insurance producer license by Final Order of the Commissioner on September

13, 2007, subject to the terms of a three (3) year probationary period. *See Exhibit "A" attached hereto.*

4. On April 25, 2008, the Division was informed by the Indiana Department of Child Services that Respondent had a child support arrearage of approximately twenty-three thousand five hundred and sixty-eight dollars (\$23,568.00) in Marion County, Indiana and that his last payment was made on July 17, 2007. *See Exhibit "B" attached hereto.*

5. When Respondent applied for an insurance producer license in March 2007, he answered "No" to the question, "Do you have a child support obligation in arrearage that is currently subject to a repayment agreement or are you subject to a child support related subpoena/warrant?" *See Exhibit "C" attached hereto.*

6. The Indiana Department of Child Services provided the Division with a Payment History for Respondent showing that he did have a child support arrearage at the time he applied for an insurance producer license. *See Exhibit "D" attached hereto.*

7. Respondent provided incorrect, misleading, or materially untrue information on his insurance producer license application in violation of Ind. Code §27-1-15.6-12(b)(1).

8. The Commissioner has the authority under Ind. Code §27-1-15.6-12 to permanently revoke an insurance producer's license and/or impose a civil penalty for any cause under Ind. Code §27-1-15.6-12(b).

## **COUNT II**

9. The Division hereby incorporates by reference paragraphs 1 through 8 of the Statement of Charges as if fully set forth herein.

10. Respondent obtained a license through misrepresentation in violation of Ind. Code §27-1-15.6-12(b)(3).

11. The Commissioner has the authority under Ind. Code §27-1-15.6-12 to permanently revoke an insurance producer's license and/or impose a civil penalty for any cause under Ind. Code §27-1-15.6-12(b).

### **COUNT III**

12. The Division hereby incorporates by reference paragraphs 1 through 11 of the Statement of Charges as if fully set forth herein.

13. Respondent failed to comply with an administrative or court order imposing a child support obligation in violation of Ind. Code §27-1-15.6-12(b)(13).

14. The Commissioner has the authority under Ind. Code §27-1-15.6-12 to permanently revoke an insurance producer's license and/or impose a civil penalty for any cause under Ind. Code §27-1-15.6-12(b).

### **COUNT IV**

15. The Division hereby incorporates by reference paragraphs 1 through 14 of the Statement of Charges as if fully set forth herein.

16. As of October 3, 2007, Respondent's address of record was 201 Shelby Street, Indianapolis, Indiana 46202. *See Exhibit "E" attached hereto.*

17. On May 2, 2008, a child support arrearage warning letter was sent to Respondent and the letter was returned to the Division by the U.S. Postal Service, marked "return to sender, not deliverable as addressed, unable to forward." *See Exhibit "F" attached hereto.*

18. Respondent has not submitted a change of address to the Department and more than thirty (30) days have elapsed since he changed his address.

19. Respondent's failure to notify the Department of his change of address within thirty (30) days is a violation of Ind. Code §27-1-15.6-12(b)(17) and a violation of Respondent's terms of probation.

20. The Commissioner has the authority under Ind. Code §27-1-15.6-12 to permanently revoke an insurance producer's license and/or impose a civil penalty for any cause under Ind. Code §27-1-15.6-12(b).

#### COUNT V

21. The Division hereby incorporates by reference paragraphs 1 through 20 of the Statement of Charges as if fully set forth herein.

22. On December 20, 2007, Respondent was sentenced to three (3) years in prison for driving while intoxicated, a felony, and to four (4) years in prison for habitual controlled substance offender, a felony. *See Exhibit "G" attached hereto.*

23. Respondent did not notify the Department within thirty (30) days of the initial pre-trial hearing date for the criminal prosecution, in violation of Ind. Code §§27-1-15.6-17(b) and 27-1-15.6-12(b)(2)(A) and in violation of Respondent's terms of probation.

24. The Commissioner has the authority under Ind. Code §27-1-15.6-12 to permanently revoke an insurance producer's license and/or impose a civil penalty for any cause under Ind. Code §27-1-15.6-12(b).

## COUNT VI

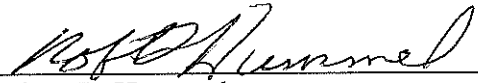
25. The Division hereby incorporates by reference paragraphs 1 through 24 of the Statement of Charges as if fully set forth herein.

26. Respondent's felony convictions are violations of Ind. Code §27-1-15.6-12(b)(6).

27. The Commissioner has the authority under Ind. Code §27-1-15.6-12 to permanently revoke an insurance producer's license and/or impose a civil penalty for any cause under Ind. Code §27-1-15.6-12(b).

WHEREFORE, the Department, by its counsel, Robert L. Hummel, requests that the Commissioner permanently revoke Respondent's insurance producer license, impose a civil penalty in the amount of ten thousand dollars (\$10,000.00), and all other relief just and proper in the premises.

Respectfully submitted,


  
\_\_\_\_\_  
Robert L. Hummel  
#20936-49

Indiana Department of Insurance  
311 W. Washington Street, Suite 300  
Indianapolis, IN 46204  
(317) 232-2385 - telephone  
(317) 232-5251 - facsimile

## CERTIFICATE OF SERVICE

This is to certify that the foregoing has been served upon Respondent Michael K. Droll by depositing a copy of same in the United States Mail, first class postage prepaid, this 9th day of June, 2008.

Michael K. Droll  
DOC #184729  
Putnamville Correctional Facility  
1946 West U.S. Highway 40  
Greencastle, IN 46135

  
Robert L. Hummel  
Attorney #20936-49

Indiana Department of Insurance  
311 W. Washington St., Suite 300  
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