

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO. 7658-AD08-1204-037

INSURANCE AGENT LICENSE)
APPLICATION OF:)
)
Paul A. Whitmer)
24985 Sunburst Drive)
Elkhart, IN 46514)

FILED

AUG 24 2009

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On August 18, 2009, the appointed Administrative Law Judge, John R. Kissling, Jr., 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 of Recommended Order on Applicant by mailing the same to his home address.

2. The Department has complied with the notice requirements of Ind. Code §4-21.5-3-17.

3. Applicant has written to the Department requesting an expedited Final Order and has no objection to the Administrative Law Judge's Recommended Order, and furthermore, the Enforcement Division has no objection to the Recommended Order.

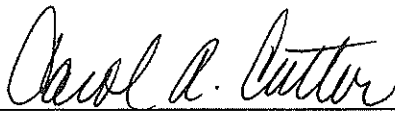
THEREFORE, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order, and issues the following Final Order:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Commissioner of Insurance:

1. Applicant shall be granted a resident limited lines credit license subject to a probationary period of one (1) year. This Order does not extend to other licenses issued by the Department such as Property & Casualty, Life & Health, and Surplus Lines licenses. In order to obtain these licenses, Applicant must petition the Court.
2. During the probationary period, Applicant shall submit written reports to the attention of Department Investigator David Rose. A report is due every ninety (90) days for one (1) year from the date of this Final Order. Each report shall contain:
 - a. The total number of quotes or proposals Applicant presented during the period.
 - b. The total number of policies sold by Applicant during the period.
 - c. The total amount of premiums developed during the period on the policies sold by Applicant.
 - d. The total amount of commissions earned by Applicant during the period.
3. Applicant's request for written consent to engage in the business of insurance, pursuant to 18 U.S.C. §§1033 and 1034 is granted.

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 24~~th~~ day of August, 2009.



Carol A. Cutter, Commissioner
Indiana Department of Insurance

Distribution:

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STATE OF INDIANA)
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BEFORE THE INDIANA
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CAUSE NUMBER: 7658-AD08-1204-037

IN THE MATTER OF:)

Insurance Agent License)
Application of:)

Paul Whitmer)
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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., came to hear the matter of Applicant Paul Whitmer on March 5, 2009, at 10:12 a.m. and the continuation hearing held on May 11, 2009 at 2:29 p.m. and will now render a decision.

The Indiana Department of Insurance ("Department") was represented by counsel, Robert L. Hummel. Applicant appeared in person at both of the hearings that he had requested.

Based upon the evidence presented at said hearings, the Administrative Law Judge now makes the following Findings of Fact, Conclusions of Law, and issues this Recommended Order.

FINDINGS OF FACT

1. Applicant was properly notified of the March 5, 2009 hearing date and time by U.S. Certified Mail #7004 1160 0000 3839 4310.
2. Applicant was properly notified of the May 11, 2009 hearing date and time by U.S. Certified Mail #7004 1160 0000 3839 5577.

3. On November 24, 2008, the Department received Applicant's application for a resident credit insurance license. (Exhibit 1)

4. On December 18, 2008, a Preliminary Administrative Order and Notice of License Denial was issued by the Commissioner because the Applicant has been convicted of a felony.

5. On February 9, 2009, Applicant filed a letter with the Department requesting an administrative hearing. (Exhibit 9)

6. On December 15, 1987, Applicant was arrested for burglary, residential entry. Applicant was sentenced to ten (10) years, six (6) years suspended. After serving sentence Applicant was placed on six (6) years probation. (Exhibit 8).

7. On October 28, 2000, Applicant was arrested for operating while intoxicated and felony fleeing. (Exhibit 6)

8. Applicant submitted several letters of recommendation about his professional and personal character. (Exhibit D).

9. A criminal transcript from the Indiana State Police was obtained showing the two arrests applicant discussed. (Exhibit 6).

10. Driving record of Applicant was obtained showing his license had been suspended four (4) times prior to 2002 but has been clean since 2000. (Exhibit 24).

11. Applicant's credit report was obtained with a good credit rating. (Exhibit 25).

CONCLUSIONS OF LAW

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

2. The hearing was held in compliance with the Administrative Orders and Procedures Act of the Indiana Code and all procedures and rules set forth by such Act have been followed in this matter.

3. Service of process was completed via the use of the United States Mail in compliance with the statute and due process requirements.

4. Ind. Code §27-1-15.6-12(b)(9) states that the Commissioner may refuse to issue an insurance producer license if the applicant has had an felony conviction.

5. 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. Applicant should be Granted a resident limited lines credit license, subject to a probationary period of one (1) year. This Order does not extend to other licenses issued by the Department such as Property & Casualty, Life & Health and Surplus Lines licenses. In order to obtain these licenses the Applicant must petition the Court.

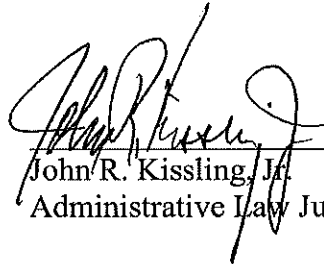
2. During the probationary period, Applicant should be required to submit written reports to the attention of Department Investigator Dave Rose. A report should be due every ninety (90) days for one (1) year from the date of the Commissioner's Final Order. Each report should contain:

a. The total number of quotes or proposals the Applicant presented during the period.

- b. The total number of policies sold by Applicant during the period.
- c. The total amount of premiums developed during the period on the policies sold by Applicant.
- d. The total amount of commissions earned by Applicant during the period.

3. Applicant's request for written consent to engage in the business of insurance, pursuant to 18 U.S.C. §§1033 and 1034, should be Granted.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 18th day of August, 2009.


John R. Kissling, Jr.
Administrative Law Judge

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