

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 8886-AD09-1130-029

IN THE MATTER OF:

Insurance Agent License
Application of:

Fred Whitt Cooper
10209 Zix Drive
Louisville, KY 40223

FILED

APR 23 2010

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On March 24, 2010, 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 not filed an objection with the Commissioner regarding the Administrative Law Judge's Recommended Order, and more than eighteen (18) days have elapsed.

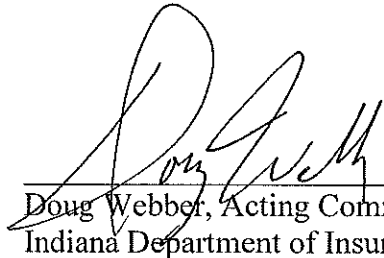
THEREFORE, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order, and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. The December 2, 2009 Preliminary Administrative Order and Notice of Denial is hereby upheld, denying Applicant's insurance producer application.

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 20th day of April, 2010.



Doug Webber, Acting Commissioner
Indiana Department of Insurance

Distribution:

Fred W. Cooper
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Louisville, KY 40223

Robert L. Hummel, Attorney
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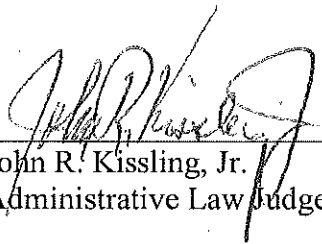
MAR 24 2010

STATE OF INDIANA
DEPT. OF INSURANCE

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:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 8886-AD09-1130-029

IN THE MATTER OF:

Insurance Agent License
Application of:

Fred Whitt Cooper
10209 Zix Drive
Louisville, KY 40223

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MAR 24 2010

STATE OF INDIANA
DEPT. OF INSURANCE

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

Administrative Law Judge John R. Kissling, having considered and reviewed all of the evidence, will now render a decision in the matter of non-resident Applicant Fred Whitt Cooper ("Applicant"). This matter came to be heard on January 6, 2010, at 10:11 a.m. in the second floor conference room at the offices of the Indiana Department of Insurance ("Department"), 311 W. Washington St., Indianapolis, Indiana.

The Indiana Department of Insurance Enforcement Division ("Division") was represented by counsel, Robert L. Hummel. Applicant appeared in person and was not represented by 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 his Recommended Order.

FINDINGS OF FACT

1. Applicant was properly notified of the hearing date and time by U.S. Certified Mail #7005 3110 0002 4440 2890 sent to his home address.

2. On November 10, 2009, Applicant applied for an Indiana non-resident Life, Accident & Health insurance producer license. (Exhibit 2).

3. On his application, Applicant indicated that he did not have any prior administrative actions taken against any professional or occupational license. (Exhibit 2).

5. Applicant previously held an Indiana non-resident insurance producer license and on March 24, 1994 was charged with forging signatures on three (3) insurance applications and on an agreement for pre-authorized bank withdrawals for premium payments to the insurance company. (Exhibit 6).

6. On May 31, 1994, an Agreed Entry was approved by the Commissioner wherein Applicant agreed to the voluntary revocation of his insurance producer license and imposition of a fine in the amount of six hundred dollars (\$600.00). (Exhibits 7 and 8).

7. Information from the Sircon producer database shows the action taken against Applicant in 1994 includes under the heading "order description" permanent license revocation and a monetary penalty. (Exhibit 5).

8. Applicant testified that he forgot about the administrative action taken against him by the Department in 1994 because he was in a hurry to complete his Indiana license application. (Transcript, p. 9).

9. Applicant testified that he did not understand the question on the application asking if he had had any prior disciplinary action taken against him. (Transcript, pp. 24 and 27).

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 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. Additionally, Applicant is not in compliance with the licensing statutes, particularly Ind. Code §§27-1-15.6-12(b)(1) (providing incorrect, misleading, incomplete, or materially untrue information in a license application); 27-1-15.6-12(b)(2) (violating an insurance law); 27-1-15.6-12(b)(3) (obtaining or attempting to obtain a license through misrepresentation or fraud); 27-1-15.6-12(b)(8) (using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere); and 27-1-15.6-12(b)(10) (forging another's name to an application for insurance or to any document relating to an insurance transaction).

5. The Commissioner has the discretionary authority to deny Applicant's insurance producer application for any cause listed under Ind. Code §27-1-15.6-12(b).

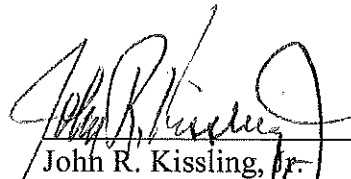
6. Findings of Fact that can be adopted as a Conclusion of Law are hereby incorporated herein as such.

RECOMMENDED ORDER

With the Findings of Fact and the Conclusions of Law as stated, the Administrative Law Judge now recommends to the Commissioner the following:

1. The Commissioner's Preliminary Administrative Order and Notice of Denial of December 2, 2009 should be **Upheld**.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 24th day of March, 2010.



John R. Kissling, Jr.
Administrative Law Judge

Distribution:

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STATE OF INDIANA)
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COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 8886-AD09-1130-029

IN THE MATTER OF:

INSURANCE AGENT LICENSE
APPLICATION OF:

Fred Whitt Cooper
10209 Zix Drive
Louisville, KY 40223

FILED

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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 **Fred Whitt Cooper** ("Applicant") of the following Administrative Order:

1. Applicant filed an application for licensure with the commissioner on or about November 10, 2009. Following a review of materials submitted by Applicant in support of his application, the Commissioner of the Indiana Department of Insurance, ("Commissioner"), being fully advised, now hereby notifies Applicant that the materials submitted indicate that Applicant has not fully met the requirements of licensure as stated by Indiana Code § 27-1-15.6-12(b).

2. Applicant has provided incorrect, misleading, incomplete, or materially untrue information in the license application. Specifically, a question regarding Applicant's involvement in previous administrative proceedings was answered "no". However, records show that Applicant's Indiana non-resident producer license was revoked on May 31, 1994, based on charges of forgery.

3. Indiana Code § 27-1-15.6-12(d) provides that:

[i]f the commissioner refuses to renew a license or denies an application for a license; the commissioner shall notify the applicant or licensee and advise the applicant or licensee, in a writing sent through regular first class mail, of the reason for the denial of the applicant's application or the non renewal of the licensee's license. 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. The hearing shall be held not more than thirty (30) days after the applicant or licensee makes the written demand, and shall be conducted under IC 4-21.5 and Indiana Code § 27-1-15.6-12(d).

IT IS THEREFORE ORDERED that the Applicant's request for licensure is hereby
DENIED pursuant to Indiana Code 27-1-15.6-12(b).

12/2/2009
Date Signed

Carol Cutter
Carol Cutter
Commissioner
Indiana Department of Insurance