

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 7902-AG09-1116-234

IN THE MATTER OF:)

Tamara Lynn Weber-Merter)
d/b/a Affordable Options Insurance)
Respondent.)

4626 Rhine Strasse)
Jasper, IN 47546)

Type of Agency Action: Enforcement)

Indiana Insurance License No.: 550604)

FILED

AUG 09 2010

STATE OF INDIANA
DEPT. OF INSURANCE

**FINAL ORDER MODIFYING ALJ'S FINDINGS OF FACT, ADOPTING
CONCLUSIONS OF LAW, AND MODIFYING RECOMMENDED ORDER**

On June 8, 2010, the Administrative Law Judge, John Kissling, ("ALJ") 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. Respondent has not filed an objection with the Commissioner regarding the ALJ'S Recommended Order, and more than eighteen (18) days have elapsed.

Therefore, the Commissioner of Insurance, being fully advised, now issues this Final Order modifying the ALJ's Findings of Fact, adopting Conclusions of Law, and modifying the Recommended Order.

Modification of Findings of Fact

The Commissioner incorporates ALJ's Findings of Fact into this Order, subject to the following modification:

- a) Respondent has paid all past due balances which were the subject of the Statement of Charges.

Adoption of ALJ's Conclusions of Law

The Commissioner incorporates ALJ's Conclusions of Law into this Order.

Order

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Respondent's insurance license no. 550604 shall be suspended for a period of one hundred eighty (180) days from the date of the Commissioner's Final Order.
2. Respondent shall pay a fine in the amount of one thousand (\$1,000.00) dollars within thirty (30) days of the date of the Commissioner's Final Order.

ALL OF WHICH IS ORDERED by the Commissioner this 9th day of August, 2010.



Stephen W. Robertson,
Executive Director and
Acting Commissioner,
Indiana Department of Insurance

Copies to:

Nick Mann, Attorney
Indiana Department of Insurance
311 West Washington St., Suite 300
Indianapolis, IN 46204

Tamara Lynn Weber-Merter
Affordable Options Insurance
4626 Rhine Strasse
Jasper, IN 47546

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FILED


JUN 08 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: 7902-AG09-1116-234

IN THE MATTER OF:)

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Type of Agency Action: Enforcement)

FILED

JUN 08 2010

STATE OF INDIANA
DEPT. OF INSURANCE

Indiana Insurance License No.: 550604

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 Tamara Lynn Weber-Merter d/b/a Affordable Options Insurance ("Respondent"), which came to be heard on the 9th day of March, 2010 at 10:33 a.m.

The Indiana Department of Insurance was represented by counsel, Nick Mann. Respondent was present and was unrepresented 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 was properly notified of the hearing date and time by U.S. Certified Mail #7004 1160 0000 3839 5805.
2. Respondent is a resident insurance producer with the State of Indiana, license number 550604.
3. On November 6, 2009 a letter from Progressive Insurance (“Progressive”) was received by the Department stating Respondent had been terminated for cause for failing to remit funds to insurer. Documentation provided showed amount still due from Respondent was four hundred eighty-three dollars and thirty cents (\$483.30). (Exhibit 2).
4. On October 5, 2009 a letter from InsureMax was received by the Department stating Respondent was terminated due to excessive non sufficient fund sweeps. Documentation provided showed amount still owed from Respondent was one hundred dollars and ninety-seven cents (\$100.97). (Exhibit 3).
5. On September 21, 2009 a letter from The Alfa Vision Insurance Group (“Alfa”) was received by the Department stating that Respondent has an accounts receivable balance of one thousand eight hundred sixty-eight dollars and forty-eight cents (\$1,868.48). (Exhibit 4).
6. On September 24, 2009 a letter from Kingsway America Inc also Mendota Insurance was received by the Department stating there had been several non sufficient fund sweeps on Respondent’s account but to date Respondent had a current account. (Exhibit 5).
7. Respondent provided a copy of a money order to Progressive showing the balance of four hundred eighty-three dollars and thirty cents (\$483.30) paid in full. (Exhibit A).

8. Respondent provided a copy of a money order to InsureMax showing the balance of one hundred dollars and ninety-seven cents (\$100.97) paid in full. (Exhibit B).
9. Respondent provided a copy of a money order to Geneva Insurance showing the payment of one hundred thirty-three dollars and thirty cents (\$133.30). (Exhibit C).
10. Respondent provided a copy of a money order to Alfa showing the balance of one thousand seven hundred seventy-eight dollars and twenty-one cents (\$1,778.21). Respondent stated this is the amount Alfa said was owed. (Exhibit D and Transcript pg. 29).
11. Respondent stated, "Yes, I do need some guidance, and, yes, I do want to be able to keep my license. Instead of being strictly on my own I would like to be able to keep my license because I would be able to work under someone else." To date Respondent has provided no plan for the sale, merger or dissolution of her insurance agency.

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 Commissioner has the discretionary authority to revoke the Respondent's license to sell insurance and to fine Respondent.
4. Respondent's conduct, as alleged herein, is contrary to Indiana Code Section 27-1-15.6-12(b)(4) which constitutes the improper withholding, misappropriating, or converting monies received in the course of doing insurance business and as such is subject to disciplinary action including but not limited to sanctions, fines, and revocation of her license.
5. Respondent's conduct, as alleged herein, is contrary to Indiana Code Section 27-1-15.6-

12(b)(8) which constitutes incompetence and untrustworthiness in the conduct of business in Indiana and as such is subject to disciplinary action including but not limited to sanctions, fines, and revocation of her license.

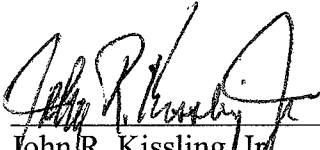
6. Findings of Fact that can be adopted as Conclusions of Law are hereby incorporated herein as such.

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 license no. 550604 should be revoked.
2. Respondent should pay a fine in the amount of five hundred (\$500.00) dollars.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 8th day of June, 2010.



John R. Kissling, Jr.
Administrative Law Judge

Distribution:

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Tamara Lynn Weber-Merter
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