

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 9483-AG10-0810-128

IN THE MATTER OF:)

Terry L. Warner)
Respondent)

806 Beech Street)
Connersville, IN 46331)

License Number: 499342)

Type of Agency Action: Enforcement)

FILED

JAN 06 2011

STATE OF INDIANA
DEPT. OF INSURANCE

**FINAL ORDER GRANTING ENFORCEMENT DIVISION'S OBJECTIONS IN PART,
GRANTING REPENDENT'S OBJECTIONS IN PART, AND MODIFYING ALJ'S
RECOMMENDED ORDER**

The Commissioner of the Indiana Department of Insurance, Stephen R. Robertson, having read and reviewed Administrative Law Judge (ALJ) Doug Webber's Findings of Fact, Conclusions of Law, and Recommended Order, and now being duly advised in the premises, **GRANTS** Enforcement Division's objections in part and Respondent's objections in part pursuant to Indiana Code §4-21.5-3-29, and as ultimate authority in this case issues this Final Order **MODIFYING** ALJ Webber's Recommended Order of November 10, 2010.

FINDINGS OF FACT & CONCLUSION OF LAW

ALJ's Findings of Fact and Conclusions of Law are incorporated into this Order.

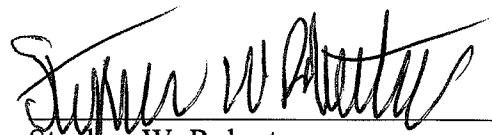
ORDER

The Commissioner now Orders:

1. Respondent's accident/health and life producer license #499342, is hereby permanently revoked in its entirety.

2. Respondent shall not be required to pay a fine.

ALL OF WHICH IS ORDERED by the Commissioner this 6th day of January, 2011.


Stephen W. Robertson
Commissioner

Distribution:

Laura Levenhagen
Indiana Department of Insurance
311 West Washington Street, Suite 300
Indianapolis, Indiana 46204

Terry L. Warner
806 Beech Street
Connersville, IN 46331

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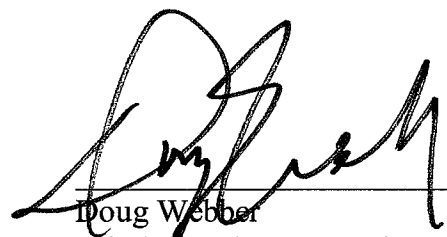
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STATE OF INDIANA
DEPT. OF INSURANCE

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.


Doug Webber
Administrative Law Judge

STATE OF INDIANA)
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BEFORE THE INDIANA
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CAUSE NUMBER: 9483-AG10-0810-128

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STATE OF INDIANA
DEPT. OF INSURANCE

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

Administrative Law Judge, Doug Webber, having considered and reviewed all of the evidence, will now render a decision in the matter of Respondent Terry L. Warner (“Respondent”), which came to be heard on September 7, 2010, at approximately 10:07 a.m. at the Indiana Department of Insurance, 311 West Washington St., Indianapolis, Indiana 46204.

The Indiana Department of Insurance was represented by counsel, Laura Levenhagen. Respondent was present and 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 is a licensed resident insurance producer, duly licensed by the State of Indiana, holding license number 499342, effective August 8, 2006.
2. Respondent was properly notified of the above hearing date and time by certified mail # 7005 3110 0002 4439 4348.
3. On July 7, 2008, Respondent pled guilty to Operating While Intoxicated, a misdemeanor, at the Fayette Superior Court, Indiana, date of conviction February 26, 2008. (Exhibit D).
4. On July 15, 2009, Respondent pled guilty to Invasion of Privacy, a misdemeanor, at Fayette Superior Court, Indiana, date of conviction August 4, 2009. (Exhibit C).
5. On November 13, 2009, Respondent pled guilty to Disorderly Conduct, a misdemeanor, at the Fayette Superior Court, Indiana, date of conviction November 13, 2009. (Exhibit B).
6. On or about the first week of July, Respondent called the Department to inquire about renewing his license and mentioned to the Department his criminal convictions. Respondent was told he was to inform the Department of his criminal conviction "You need to send in the papers". (Transcript pg. 27).
7. On July 13, 2010, Respondent wrote a letter to the Department to disclose of criminal convictions. (Exhibit A).
8. Findings of Fact that can be adopted as Conclusions of Law are hereby incorporated herein as such.

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 permanently revoke the Respondent's license to sell insurance and to fine Respondent.
4. The Department has met its burden in showing by a preponderance of the evidence that Respondent's conduct is contrary to Indiana Insurance Code §27-1-15.6-17(b).
5. Conclusions of Law that can be adopted as Findings of Fact are hereby incorporated herein as such.

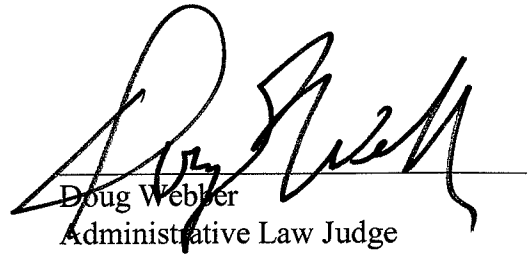
RECOMMENDED ORDER

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 producer license #499342, accident & health, should be revoked.
2. Respondent's producer license #499342, life only, should be placed on probation for a period of two (2) years.
3. Respondent should be required to pay a fine in the amount of five hundred (\$500.00) dollars for each of the following acts:
 - a. Failing to timely disclose July 7, 2008 criminal conviction within thirty (30) days.
 - b. Failing to timely disclose July 15, 2009 criminal conviction within thirty (30) days.
 - c. Failing to disclose November 13, 2009 criminal conviction within thirty (30) days.

Total fine amount one thousand five hundred (\$1,500.00) dollars due within ninety (90) days of the Commissioner's Final Order.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the
Commissioner this 10th day of November, 2010.



Doug Webber
Administrative Law Judge

Distribution:

Laura Levenhagen
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311 West Washington Street, Suite 300
Indianapolis, Indiana 46204

Terry L. Warner
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