

**BEFORE THE INDIANA
COMMISSIONER OF INSURANCE**

CAUSE NUMBER: 8693-AG11-0421-076

IN THE MATTER OF:

Kelly Ryan Bomar,

Respondent,

**11634 Broadway
Crown Point, IN 46307**

License Number 510913

Type of Agency Action: Enforcement

FILED

MAY 09 2011

**STATE OF INDIANA
DEPT. OF INSURANCE**

ADMINISTRATIVE ORDER **NOTICE OF NONRENEWAL OF LICENSE**

The Indiana Department of Insurance, pursuant to the Indiana Administrative Orders and Procedures Act, Indiana Code 4-21.5-1 *et seq.* and the Indiana Insurance Producers Act, Indiana Code 27-1-15.6 *et seq.*, hereby gives notice to Kelly Ryan Bomar (“Respondent”) of the following Administrative Order:

1. Indiana Code 27-1-15.6-12(b) provides that “The commissioner may levy a civil penalty, place an insurance producer on probation, suspend an insurance producer’s license, revoke and insurance producer’s license for a period of years, permanently revoke an insurance producer’s license, or refuse to issue or renew an insurance producer license, or take any combination of these actions ...”

2. Indiana Code 27-1-15.6-12(d) provides that when the Commissioner refuses to renew a license, the Commissioner shall notify the Respondent, in writing, of the reasons for the nonrenewal.

3. Respondent has held an Indiana resident insurance producer license, number 510913. This license was terminated for failure to submit a license renewal fee, with an expiration date of November 30, 2010.

4. Respondent had a LAH license issued by the Department in November 2006. On June 27, 2008, the Department received Respondent's application for a Property and Casualty license. In that application, Respondent disclosed that he had been arrested on two counts of Battery and one count of Resisting Law Enforcement, all class D felonies. Respondent's initial hearing was held in Lake County Superior Court, County Division III, under Cause Number 45D09-0805-FD-00187, on May 13, 2008.

5. On or about August 1, 2008, Respondent signed an Agreed Entry and admitted that he failed to report the pending felony criminal charge to the Department within the time allowed and agreed to and paid an administrative fine in the amount of five hundred dollars (\$500.00). Commissioner's Final Order, 7174-AG08-0728-229, was filed August 11, 2008. On January 29, 2009, Respondent notified the Department that a plea agreement had been filed in Lake County, Indiana, Court III. Respondent pled guilty to two (2) counts of misdemeanor Battery and the felony charge of Resisting Law Enforcement was dismissed.

6. On or about October 8, 2009, the Department received an anonymous telephone call from an individual who stated that Respondent was observed wearing an ankle tracking device. The Lake County, Indiana, Clerk's Office informed Department investigator Mike Herndon that Respondent had been arrested by the Crown Point Police Department on September 6, 2009 and charged, under Lake County Cause Number 45D09-0909-FD-00344, with Residential Entry and Battery by Body Waste, both charged as D felonies. Respondent was also charged with Disorderly Conduct and Criminal Mischief, both charged as A

misdeemeanors. Respondent's initial hearing date in this new criminal cause was on November 2, 2009. On March 12, 2010, a search of Department records documented the fact that Respondent had failed to report these new felony criminal charges to the Department within the time allowed. On April 14, 2011, Respondent pled guilty to one count of Battery, a Class A Misdemeanor. As a result of the plea agreement, the charges of Residential Entry, Disorderly Conduct, and Criminal Mischief were dismissed.

7. Respondent violated an insurance law when he failed to report to the Commissioner the criminal prosecution brought against him, within thirty (30) days after his initial pretrial hearing date.

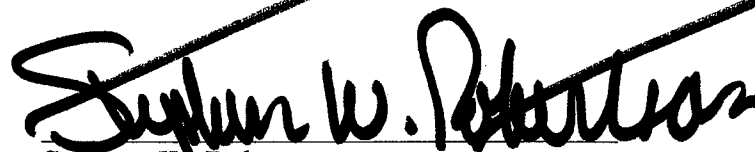
8. Respondent's conduct, alleged herein, is cause for disciplinary action in accordance with Indiana Code §§27-1-15.6-12(b)(2)(A) and 27-1-15.6-17(b).

WHEREFORE, based on the foregoing, the Commissioner of Insurance hereby notifies Respondent that **Respondent's license shall not be renewed.**

WHEREFORE, the Commissioner further notifies Respondent that pursuant to Indiana Code 27-1-15.6-12(d), within sixty (60) days of receiving this Notice, Respondent may make a written demand upon the Commissioner for a hearing to determine the reasonableness of this action. Such a hearing shall be held within thirty (30) days from the date of receipt of Respondent's written demand.

5-9-11

Date Signed



Stephen W. Robertson
Commissioner
Indiana Department of Insurance

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