

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO. 9860-AG10-1229-194

IN THE MATTER OF:)

Terry M. Kulcsar,)
Respondent.)

705 Philippa Street)
South Bend, IN 46619)

Type of Agency Action: Enforcement

Indiana Insurance License No. 656747

FILED

JUN 09 2011

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On May 11, 2011, the appointed Administrative Law Judge, Holly Williams, filed her 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 Respondent 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. Respondent has not filed an objection with the Commissioner regarding the Administrative Law Judge's Recommended Order, and more than eighteen (18) days have elapsed.

T-377

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. Respondent is ordered to pay a civil penalty in the amount of three hundred dollars (\$300.00) within sixty (60) days after the date of this Final Order.

Under Ind. Code §4-21.5-5-5, Respondent 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 9 day of June, 2011.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Terry M. Kulcsar
705 Philippa Street
South Bend, IN 46619

Robert L. Hummel, Attorney
Indiana Dept. of Insurance
311 W. Washington St., Suite 300
Indianapolis, IN 46204

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
CAUSE NUMBER: 9860-AG11-0208-023

IN THE MATTER OF:)
)
Terry M. Kulcsar,)
Respondent.)
)
705 Philippa Street)
South Bend, IN 46619)
)
Type of Agency Action: Enforcement)
)
Indiana License No. 656747)

FILED

JUN 14 2011

STATE OF INDIANA
DEPT. OF INSURANCE

FINDINGS OF FACT AND SUSPENSION ORDER

WHEREAS, on February 14, 2011, the Commissioner of the Indiana Department of Insurance (“Commissioner”) placed the insurance license of Terry M. Kulcsar (“Respondent”) on probation for Respondent’s failure to pay a child support arrearage in full, to request activation of an income withholding order establishing a payment plan, or to request a hearing before the child support bureau.

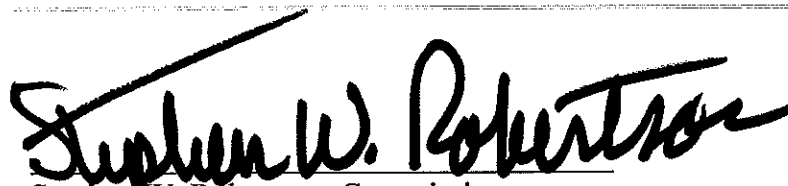
WHEREAS, on June 13, 2011, the Department was notified by the Indiana Department of Child Services that Respondent has not paid the child support arrearage in full or established a payment plan with the child support bureau to pay the arrearage and requested the activation of an income withholding order.

WHEREAS, more than twenty (20) days have elapsed since the Commissioner placed Respondent’s insurance license on probation.

WHEREAS, per Ind. Code §27-1-15.6-29(c), the Commissioner shall suspend Respondent’s insurance license.

IT IS THEREFORE ORDERED BY THE COMMISSIONER that Respondent's license, number 656747, is hereby suspended, effective immediately, and will remain suspended until the Commissioner receives notice from the Department of Child Services or the county child support bureau that Respondent has paid the child support arrearage in full or has established a payment plan with the child support bureau to pay the arrearage and requested the activation of an income withholding order.

ALL OF WHICH IS ORDERED this 14th day of June, 2011.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Terry M. Kulcsar
705 Philippa Street
South Bend, IN 46619

Robert L. Hummel, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO. 9860-AG10-1229-194

IN THE MATTER OF:)

Terry M. Kulcsar,)
Respondent.)

705 Philippa Street)
South Bend, IN 46619)

Type of Agency Action: Enforcement

Insurance License No. 656747

FILED

MAY 11 2011

STATE OF INDIANA
DEPT. OF INSURANCE

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

Administrative Law Judge, Holly Williams, having considered and reviewed all of the evidence, will now render a decision in the matter of Respondent Terry M. Kulcsar ("Respondent"), which came to be heard on February 10, 2011, at approximately 1:29 p.m. at the Indiana Department of Insurance, 311 West Washington St., Indianapolis, Indiana 46204.

The Indiana Department of Insurance ("Department") was represented by counsel, Robert Hummel. Respondent was present and was 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 her Recommended Order as follows:

FINDINGS OF FACT

1. Terry M. Kulcsar (“Respondent”) is a licensed resident insurance producer, holding license number 656747.
2. Respondent was properly notified of the above hearing date and time by certified U.S. Mail #7005 3110 0002 4439 6236 sent to his home address.
3. On November 9, 2010, the Department sent a letter (“the November 9th letter”) to Respondent notifying him that the Department of Child Services had notified the Department that Respondent was delinquent in his child support payments. (*Exhibit A*).
4. The November 9th letter was sent to Respondent’s most current address on file with the Department at 625 East Dayton Street, South Bend, Indiana, 46613 (“the East Dayton Street address”). (*Exhibit B*).
5. The U.S. Postal Service returned the November 9th letter to the Department and provided a new address for Respondent. The new address provided for Respondent was 705 Philippa Street, South Bend, Indiana, 46619 (“the Philippa Street address”). (*Exhibit B*).
6. On November 17, 2010, the Department sent another certified letter (“the November 17th letter”) to Respondent at the Philippa Street address, notifying him that he failed to provide the Department notice of his change of address within thirty (30) days of the change in violation of Ind. Code § 27-1-15.6-7(h), and that a fine of one hundred dollars (\$100) was being imposed upon Respondent for the violation. (*Exhibit C*).
7. Respondent received notice of the November 17th letter, but the notice was misplaced within Respondent’s home. (*Transcript pg. 7, 18*)

8. The November 17th letter was returned to the Department from the United States Postal Service marked "Unclaimed" on December 9, 2010. The Department resent the letter via First Class Mail on December 16, 2010, which the Respondent received. (*Transcript pg. 16; Exhibit D*).

9. Respondent was unaware that he was required to report a change of address to the Department. (*Transcript pg. 18*).

10. Conclusions of Law that can be adopted as Findings of Fact 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 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 § 27-1-15.6-7(h) requires an insurance producer to inform the Department of a change of address within thirty (30) days of the change. Respondent no longer resides at the East Dayton Street address and was required to notify the Department that his address had changed to the Philippa Street address.

5. The Department has met its burden of proof and shown by a preponderance of the evidence that Respondent's conduct is cause for discipline under Ind. Code §27-1-15.6-7(h).


5. 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 should be required to pay a civil penalty to the Department in the amount of **three hundred dollars (\$300.00)**, due in full within sixty (60) days after the date of the Commissioner's Final Order.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 11th day of May, 2011.


Holly Williams
Administrative Law Judge

Distribution:

Robert Hummel
Indiana Department of Insurance
311 W. Washington St., Suite 300
Indianapolis, IN 46204

Terry M. Kulcsar
705 Philippa Street
South Bend, Indiana 46619

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO. 9860-AG10-1229-194

IN THE MATTER OF:)
)
Terry M. Kulcsar,)
Respondent.)
)
705 Philippa Street)
South Bend, IN 46619)

FILED

JAN 27 2011

STATE OF INDIANA
DEPT. OF INSURANCE

Type of Agency Action: Enforcement

Indiana Insurance License No. 656747

STATEMENT OF CHARGES

The Enforcement Division of the Indiana Department of Insurance ("Division"), pursuant to the Indiana Orders and Procedures Act, Ind. Code §4-21.5-1-1 *et seq.*, Ind. Code §§27-1-15.6-7, and 27-1-15.6-12, hereby gives notice to Terry M. Kulcsar ("Respondent") of the following charge:

FACTS

1. Respondent is a licensed resident insurance producer, holding license number 656747.
2. On November 9, 2010, the Division sent Respondent a letter to his address of record on East Dayton Street in South Bend, Indiana concerning a child support arrearage. *See Exhibit "A" attached hereto.*
3. The November 9, 2010 letter was returned to the Division by the U.S. Postal Service with a new address on Philippa Street in South Bend, Indiana marked on the envelope. *See Exhibit "B" attached hereto.*

4. On November 17, 2010, the November 9, 2010 letter was sent again via first class mail to Respondent at the Philippa Street address. *See Exhibit "B" attached hereto.*

5. Also on November 17, 2010, a Change of Address Violation letter was sent via certified mail to Respondent stating the he had failed to notify the Department of his change of address and imposing a fine of one hundred dollars (\$100.00) payable within ten (10) business days after receipt by Respondent. *See Exhibit "C" attached hereto.*

6. The November 17, 2010 certified letter was returned to the Division by the U.S. Postal Service, marked "unclaimed." *See Exhibit "D" attached hereto.*

7. The November 17, 2010 letter was sent again to Respondent via first class mail on December 16, 2010. *See Exhibit "D" attached hereto.*

8. On December 20, 2010, Respondent telephoned the Division and indicated that he had received both the November 9, 2010 letter (regarding the child support arrearage) and the November 17, 2010 letter (regarding the change of address violation). Respondent was given until noon on Wednesday, December 22, 2010 to decide what he wanted to do to resolve the child support arrearage and change of address issues.

9. To date, Respondent has not contacted the Division again, has not paid the change of address violation fine, and has not provided the Division with his current address.

10. To date, Respondent has not resolved the issue of his child support arrearage and disciplinary action for that violation is proceeding separately under Ind. Code §27-1-15.6-29.

COUNT I

11. The Division hereby incorporates by reference paragraphs 1 through 10 of the Statement of Charges as if fully set forth herein.

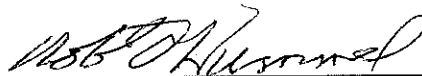
12. Respondent failed to notify the Department of his change of address within thirty (30) days after the change as required by Indiana law.

13. Respondent's conduct, as alleged herein, is a violation of Ind. Code §27-1-15.6-7(h).

14. Under Ind. Code §27-1-15.6-12(b)(17), the Commissioner may levy a civil penalty, place an insurance producer on probation, suspend an insurance producer's license, revoke an insurance producer's license for a period of years, permanently revoke an insurance producer's license, or refuse to issue and renew an insurance producer license for failing to timely inform the Commissioner of a change of address.

WHEREFORE, the Department, by its counsel, Robert L. Hummel, requests that the Commissioner levy a civil penalty of one thousand dollars (\$1,000.00); suspend Respondent's insurance producer license for a period of six (6) months; and all other relief just and proper in the premises.

Respectfully submitted,



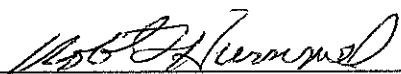
Robert L. Hummel
#20936-49

Indiana Department of Insurance
311 W. Washington St., Suite 300
Indianapolis, IN 46204
317 232-5063 - telephone
317 234-5882 - facsimile

CERTIFICATE OF SERVICE

This is to certify that the foregoing has been served upon Respondent Terry M. Kulcsar, by depositing a copy of same in the United States Mail, first class postage prepaid, this 5th day of January, 2011.

Terry M. Kulcsar
705 Philippa Street
South Bend, IN 46619




Robert L. Hummel
Attorney #20936-49

Indiana Department of Insurance
311 W. Washington St., Suite 300
Indianapolis, IN 46204

CERTIFICATE OF SERVICE

This is to certify that the foregoing has been served upon Respondent Terry M. Kulcsar, by depositing a copy of same in the United States Mail, first class postage prepaid, this 5th day of January, 2011.

Terry M. Kulcsar
705 Philippa Street
South Bend, IN 46619



Robert L. Hummel
Attorney #20936-49

Indiana Department of Insurance
311 W. Washington St., Suite 300
Indianapolis, IN 46204

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
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IN THE MATTER OF:)
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Respondent.)
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705 Philippa Street)
South Bend, IN 46619)
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Type of Agency Action: Enforcement)
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Indiana License No. 656747)

FILED
FEB 14 2011
STATE OF INDIANA
DEPT. OF INSURANCE

FINDINGS OF FACT AND PROBATION ORDER

WHEREAS, the Indiana Department of Insurance Consumer Protection Unit (“Department”) received notification from the Indiana Department of Child Services Child Support Bureau (“Child Services”) that Terry Kulcsar (“Respondent”), a licensed insurance producer in Indiana, had a child support payment arrearage.

WHEREAS, on November 9, 2010, the Department sent a letter to Respondent, pursuant to Ind. Code §27-1-15.6-29, stating that if the child support arrearage was not paid in full, a request for the activation of an income withholding order establishing a payment plan was not made, or a request for a hearing was not made within twenty (20) days after the notice was mailed, Respondent’s Indiana insurance producer license would be placed on probation.

WHEREAS, more than twenty (20) days have elapsed since the Department sent Respondent the November 9, 2010 letter.


WHEREAS, the Department has been notified by Child Services that Respondent has not paid the child support arrearage in full, requested the activation of an income withholding order establishing a payment plan, or requested a hearing.

WHEREAS, due to Respondent's failure to comply with the requirements set forth in the November 9, 2010 letter and, pursuant to Ind. Code §27-1-15.6-29(a), the Commissioner shall place Respondent's insurance license on probation.

WHEREAS, pursuant to Ind. Code §27-1-15.6-29(c), if, within twenty (20) days after the date of this order, Respondent has not paid the child support arrearage in full or established a payment plan to pay the arrearage and requested the activation of an income withholding order, the Commissioner shall suspend Respondent's insurance license.

IT IS THEREFORE ORDERED BY THE COMMISSIONER that Respondent's insurance producer license is hereby placed on probation, effective immediately, and will remain on probation until ten (10) business days after the Commissioner receives a notice from Child Services that Respondent has paid the child support arrearage in full or has established a payment plan to pay the arrearage and requested the activation of an income withholding order.

ALL OF WHICH IS ORDERED this 14th day of February 2011.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Terry Kulcsar
705 Philippa Street
South Bend, IN 46619

Robert L. Hummel, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 300
Indianapolis, IN 46204