

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
CAUSE NO. 9835-AG10-1202-162

IN THE MATTER OF:)

Danielle Marie Anderson,)
Agent/Respondent)

4133 Pocahontas Drive)
Lafayette, IN 47909)

Type of Agency Action: Enforcement

Insurance License No. 415800

FILED

JUL 14 2011

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On May 18, 2011, the Administrative Law Judge, 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 Recommended Order on Respondent by mailing the same to her 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.

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

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

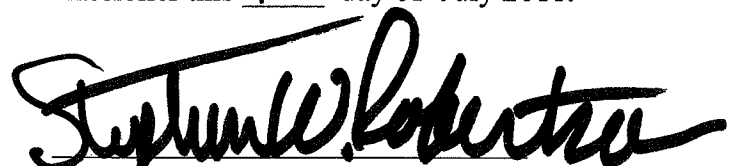
1. Respondent's resident insurance producer license number 415800 shall be permanently revoked.

2. Respondent shall pay a civil penalty to the Department in the amount of **five thousand dollars (\$5,000.00)**, due in full within ninety (90) days.

3. Respondent shall pay restitution of one thousand two hundred seventy-seven dollars and seventy-three cents (\$1,277.73) to MBAH for misuse of the company credit card within thirty (30) days, unless Respondent can provide proof to the Department of payment prior to the date of this Order.

4. Respondent shall pay the two (2) current tax warrants in the amount of one thousand three hundred forty-two dollars and fifty-six cents (\$1,342.56) and three hundred ninety-eight dollars and eighty-eight cents (\$398.88) within ninety (90) days.

ALL OF WHICH IS ORDERED by the Commissioner this 14th day of July 2011.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

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

**Danielle Marie Anderson
4133 Pocahontas Drive
Lafayette, IN 47909**

Copy

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STATE OF INDIANA
DEPT. OF INSURANCE

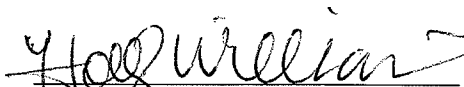
Type of Agency Action: Enforcement

Insurance License No. 415800

NOTICE OF FILING OF RECOMMENDED ORDER

The parties to 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 of your objection with reasonable particularity; and (2) is filed with the ultimate authority for the Final Order, Stephen W. Robertson, Commissioner of the Department of Insurance, within eighteen (18) days from the date stamped on this Order.


Holly Williams
Administrative Law Judge

Distribution:
Nick Mann
INDIANA DEPARTMENT OF INSURANCE
311 W. Washington Street, Suite 103
Indianapolis, IN 46204

Danielle Marie Ander
4133 Pocahontas Drive
Lafayette, IN 47909

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO. 9835-AG10-1202-162

IN THE MATTER OF:)
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4133 Pocahontas Drive)
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MAY 18 2011

Type of Agency Action: Enforcement

STATE OF INDIANA
DEPT. OF INSURANCE

Insurance License No. 415800

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 Danielle Marie Anderson ("Respondent"), which came to be heard on February 17, 2011, at approximately 10:18 a.m. at the Indiana Department of Insurance, 311 West Washington St., Indianapolis, Indiana 46204.

The Indiana Department of Insurance (the "Department") was represented by counsel, Nick Mann. Respondent was not 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. Danielle Marie Anderson (“Respondent”) is a licensed resident insurance producer, holding license number 415800.

2. Mike Herndon (“Mr. Herndon”), an investigator with the Department, began his attempts to contact Respondent on November 5, 2010, for issues that came to the Department’s attention. Mr. Herndon first attempted to contact Respondent at the phone number listed on Respondent’s license; however, it was not a working number. (*Transcript pg. 11*).

3. Mr. Herndon ran a data search for Respondent’s relatives and contacted some of them asking to have Respondent call Mr. Herndon. (*Transcript pg. 11*).

4. On November 17, 2010, Mr. Herndon acquired a phone number and left a voicemail for a female who identified herself as Danielle. (*Transcript pg. 12*).

5. On November 18, 2010, Mr. Herndon called again and made contact with Respondent. Mr. Herndon discussed the evidence he had acquired and Respondent told Mr. Herndon her current address was 4133 Pocahontas Drive, Lafayette, Indiana, 47909 (the “Pocahontas address”). Respondent stated that she would like an Agreed Entry, which Mr. Herndon proposed. (*Transcript pg. 12*).

6. On December 3, 2010, Mr. Herndon mailed the Agreed Entry to Respondent at the Pocahontas address. On December 20, 2010, Mr. Herndon called Respondent and left her a message. On December 21, 2010, the Agreed Entry was returned after two delivery attempts. (*Transcript pg. 13*).

7. On December 28, 2010, Mr. Herndon called Respondent and left a message and sent the Agreed Entry by regular First Class Mail. The letter was not returned. (*Transcript pg. 13*).

8. The Department mailed proper notice of the above hearing date and time by certified U.S. Mail #7005 3110 0002 4444 1295 to the address Respondent provided. The certified mail notice was not picked up. (*Transcript pg. 10-11; Exhibit B*).

9. Respondent was brought to the Department's attention by Nationwide Insurance Company ("Nationwide") when Nationwide submitted her termination for cause to the Department. (*Transcript pg. 5-6*).

10. Respondent added her boyfriend's vehicle to her automobile insurance policy. Respondent was not the legal owner of the vehicle. Respondent applied a "Multi-Car Discount" to her policy. (*Transcript pgs. 6, 16-17; Exhibit D*).

11. On January 28, 2010, MBAH Insurance Company ("MBAH") completed an Employee Disciplinary Warning for Respondent. Respondent used the company credit card for personal use without authorization. (*Transcript pg. 18-19; Exhibit E*).

12. After Respondent was confronted about these charges, she gave MBAH a check for \$1,277.73. The check had non-sufficient funds. (*Transcript pg. 18-19; Exhibit E*).

13. On March 8, 2010, MBAH completed another Employee Disciplinary Warning for Respondent. Respondent's violation was dishonesty. MBAH stated that Respondent was dishonest in claiming that she submitted her February mileage log, dishonest in not reinstating her Cincinnati life policy, and dishonest in stating her

whereabouts on the January mileage log. This warning resulted in Respondent's termination. (*Transcript pg. 19-20; Exhibit F*).

14. Two of Respondent's prior employers both reported that she was not eligible for rehire and has issues with honesty and ethics. (*Transcript pg. 16; Exhibit C*).

15. On January 12, 2010, a case was opened against Respondent in Carroll Superior Court for Check Deception. A Pretrial Diversion Agreement was filed on July 15, 2010. Respondent did not notify the Department of these proceedings. (*Transcript pg. 20-21; Exhibit G*).

16. On June 3, 2010, Respondent's driver's license was suspended indefinitely. Respondent's driver's license has been suspended four (4) times within the past two (2) years for reasons including driving while suspended, failure to file insurance, failure to appear for a driver safety program, and failure to pay a case. Respondent failed to notify the Department of these proceedings. (*Transcript pg. 22-23; Exhibit H*).

17. Respondent currently has two (2) tax warrants and outstanding liability on those warrants for \$1,342.56 and \$398.88. (*Transcript pg. 123-24; Exhibit I*).

18. Respondent is presently a suspect in an arson case. (*Transcript pg. 14-15; Exhibit C*).

19. Conclusions of Law that can be adopted as a 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. Merriam-Webster defines "intent" in the following manner: "the state of mind in which an act is done; volition." <http://www.merriam-webster.com/dictionary/intent>.

5. Respondent intentionally misrepresented the terms of her auto insurance contract when she added her boyfriend's vehicle to her auto policy.

6. Merriam-Webster defines "fraud" in the following manner: "intentional perversion of truth in order to induce another to part with something of value or surrender a legal right." <http://www.merriam-webster.com/dictionary/fraud>.

7. Respondent committed fraud in the business of insurance when she intentionally added her boyfriend's vehicle to her insurance policy knowing that she was not in fact the legal owner of the vehicle.

8. Respondent misappropriated the monies and property of her employer when she used the company credit card for personal use without authorization.

9. Respondent demonstrated her dishonesty, untrustworthiness, and financial irresponsibility in conducting her business when she used the company credit card for personal use without authorization from her employer.

10. Respondent failed to notify the Commissioner within thirty (30) days of the criminal Check Deception charge filed in Carroll Superior Court in Carroll County, Indiana.

11. Respondent failed to notify the Commissioner of the multiple administrative actions taken by the Indiana Bureau of Motor Vehicles within thirty (30) days after the final disposition of the orders.

12. Respondent failed to pay state income tax.

13. 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 Indiana Code §27-1-15.6-12(b)(5), Indiana Code §27-1-15.6-12(b)(7), Indiana Code §27-1-15.6-12(b)(4), Indiana Code §27-1-15.6-17(b), Indiana Code §27-1-15.6-17(a), and Indiana Code §27-1-15.6-12(b)(14).

14. 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 of Insurance the following:

1. Respondent's resident insurance producer license number 415800 should be permanently revoked.

2. Respondent should be required to pay a civil penalty to the Department in the amount of **eleven thousand dollars (\$11,000.00)**, due in full within ninety (90) days after the date of the Commissioner's Final Order.

3. Respondent should be required to pay a restitution of one thousand two hundred seventy-seven dollars and seventy-three cents (1,277.73) to MBAH for misuse of the company credit card within thirty (30) days after the date of the Commissioner's Final Order, unless Respondent can provide proof to the Department of prior payment.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 18th day of May, 2011.


Holly Williams
Administrative Law Judge

Distribution:

Nick Mann
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204

Danielle Marie Anderson
4133 Pocahontas Drive
Lafayette, Indiana 47909