

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO. 10309-AG11-0809-104

IN THE MATTER OF: )  
 )  
Tiffany Lynn Lewis )  
Respondent. )  
 )  
615 E. Abram Street, Apt. 127 )  
Arlington, Texas 76010-1281 )

**FILED**

DEC 14 2011

STATE OF INDIANA  
DEPT. OF INSURANCE

Type of Agency Action: Enforcement

Indiana Non-Resident Insurance License No. 721205

**FINAL ORDER**

On November 2, 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. Neither party has 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, Conclusions of Law, and Recommended Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Respondent's producer license is permanently revoked.
2. Respondent shall pay a fine in the amount of five thousand dollars (\$5,000.00)

within ninety (90) days.

ALL OF WHICH IS ORDERED by the Commissioner this 14<sup>th</sup> day of December, 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

Tiffany Lynn Lewis  
615 E. Abram Street, Apt. 127  
Arlington, Texas 76010-1281

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NOV 02 2011

STATE OF INDIANA  
DEPT. OF INSURANCE

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

Administrative Law Judge, Debra M. Webb, having considered and reviewed all of the evidence, now renders a decision in the matter of Respondent Tiffany Lynn Lewis ("Respondent"), which came to be heard on the 14<sup>th</sup> day of September, 2011 at approximately 9:08 A.M. at the Indiana Department of Insurance, 311 West Washington Street, Indianapolis, Indiana 46204.

The Indiana Department of Insurance (the "Department") was represented by counsel, Nikolas P. Mann. Respondent did not appear personally or 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 a Recommended Order as follows:

## FINDINGS OF FACT

1. Respondent resides at 615 E. Abram Street, Apt. 127, Arlington, Texas 76010-1281.
2. Respondent holds non-resident producer license number 721205 (“Respondent’s license”). Respondent’s license was issued by the State of Indiana on or about October 6, 2010. *See* Exhibit C.
3. Respondent’s license will expire on October 31, 2012. Exhibit D at p. 2.
4. On the application for Respondent’s license, Respondent stated, in two (2) separate questions, that she had never been “convicted of a crime”<sup>1</sup> or “involved as a party in an administrative proceeding” regarding a professional license.<sup>2</sup> Exhibit C at pp. 3—5. Transcript, September 14, 2011 at p. 12: 3—15.
5. In fact, prior to filing her non-resident producer application with the Department, Respondent had been involved as a party in an administrative proceeding and had been convicted of a crime. *See generally*, Exhibits E and F.
6. On April 12, 2005, the evidentiary panel of the District 07A grievance committee of the State Bar of Texas (“Grievance Committee”) entered a judgment against Respondent. Exhibit E at p. 7. The Grievance Committee determined that Respondent had committed professional misconduct, to wit, the conversion of clients’ funds in the amount of fifty eight thousand two hundred twenty five dollars and seventy eight cents (\$58,225.78). Exhibit E at pp. 3—4.

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<sup>1</sup> Question one (1) of the application reads, in pertinent part: “Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime... ‘crime’ includes a misdemeanor, felony or a military offense.” Respondent’s answer reads “No.”

<sup>2</sup> Question two (2) of the application reads, in pertinent part: “Have you ever been named or involved as a party in an administrative proceeding regarding any professional or occupational license or registration... ‘involved’ means having a license censured, suspended, revoked, canceled, terminated...” Respondent’s answer reads “No.”

7. The Grievance Committee ordered, *inter alia*, that Respondent be disbarred from the practice of law in the State of Texas. Exhibit E at p. 4. In reaching its decision, the Grievance Committee reasoned that “Respondent’s continued practice of law [imposed] a continuing threat to the welfare of Respondent’s clients or to the public.” *Id.*
8. On June 15, 2006, the Texas Board of Disciplinary Appeals affirmed Respondent’s disbarment. Exhibit E at p. 8.
9. Respondent did not disclose her involvement in the administrative proceeding discussed above on her Indiana non-resident producer license application. Exhibit 3 at p. 4.
10. In addition to her above-mentioned involvement in an administrative proceeding, Respondent also misrepresented her criminal history on her Indiana non-resident producer license application. Exhibit C at p. 3.
11. On September 15, 2009, the State of Texas Criminal District Court Number 3 entered a judgment of conviction against Respondent. *See generally*, Exhibit F. Respondent was convicted of Misapplication of Fiduciary Property, a third degree felony. Exhibit F at p. 3. This conviction arose from the same conduct which resulted in Respondent’s disbarment. *See* Exhibit E and F.
12. As a result of this conviction, Respondent received, *inter alia*, a ten (10) year jail sentence and one hundred twenty (120) months of probation. The jail sentence of confinement was suspended and the Respondent was placed on community supervision. Exhibit F at p. 1 and 4.

13. Respondent did not disclose said criminal conviction on her application. Exhibit C at p. 3.
14. Respondent's misconduct has been the subject of administrative actions in other states. Recently, both the State of Oklahoma and the State of Idaho revoked Respondent's non-resident producer licenses. *See* Exhibits G.
15. On June 16, 2011, the Insurance Commissioner of the State of Oklahoma revoked Respondent's non-resident producer license for failing to disclose on her Oklahoma license application both the disbarment and felony conviction discussed above. Exhibit G at pp. 3—4.
16. Likewise, on July 19, 2011, the State of Idaho revoked Respondent's non-resident producer license for failing to disclose on her Idaho license application both the disbarment and felony conviction discussed above. Exhibit G at p. 7.
17. Neither revocation was reported to the Department. Exhibit D.
18. Finally, Respondent's actions demonstrate an unwillingness to cooperate with the entities that govern her professional licenses.
19. After having been disbarred from the practice of law in the State of Texas, Respondent refused to relinquish her position as Tarrant County Municipal Court Judge. Exhibit F at pp. 13—14. Having never been faced with the situation of a disbarred judge refusing to step down from the bench, Tarrant County passed an ordinance which effectively removed Respondent from her post and preserved the public opinion of the Texas legal system. Transcript at p. 18:7—20.
20. Respondent's interactions with the Department demonstrate a similar uncooperative

attitude. Mr. Mike Herndon (“Mr. Herndon”), the investigator assigned to the case, was stonewalled by Respondent on several occasions. Transcript at p. 9:4—5; 13: 1—17.

21. On June 27, 2011, Mr. Herndon mailed a letter via certified mail to Respondent. Exhibit A. The letter informed Respondent that the Department was taking action against her and requested that she contact Mr. Herndon. Exhibit A at p. 1. A track and confirm document provided by the USPS shows that the letter was delivered on July 1, 2011. Exhibit A at p. 3. Despite having received the letter, Respondent did not contact Mr. Herndon. Transcript at p. 10:10—13.
22. Mr. Herndon’s efforts to discuss this matter with Respondent via telephone were equally unproductive. On June 27, 2011, Mr. Herndon left a voicemail requesting a callback with a woman who answered Respondent’s home phone number. Transcript at pp. 13: 1—6. On July 27, 2011, having not received a response, Mr. Herndon again left a voicemail on Respondent’s home phone number. Transcript at p. 13: 6—8.
23. On August 19, 2011, Respondent received a Notice of Hearing from the Department. Exhibit B at p 4. Despite having received the Notice of Hearing, Respondent did not attend the hearing. Transcript at p. 5:20—22.
24. On September 12, 2011 - two days before the scheduled hearing - Respondent telephoned Mr. Herndon. Transcript at p. 13: 8—11. Attempting to negotiate on her own terms, Respondent, in a “coarse and demanding” tone, told Mr. Herndon “she was willing to surrender her license but she would not sign an agreed entry and would

never pay a fine.” Transcript at p. 13: 10—13, 20—23. Mr. Herndon instructed Respondent to contact Deputy General Counsel, Nikolas P. Mann, to discuss the matter. Transcript at p. 13:13—17.

### 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 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 the Indiana Insurance Code and that disciplinary action to include revocation of license is in order.
5. Respondent acted in a manner contrary to Indiana Code 27-1-15.6-12(b)(1) by providing incorrect and materially untrue information on her Indiana non-resident producer license, to wit, the omissions of the September 15, 2009 felony conviction for Misappropriation of Fiduciary Property and the discipline (disbarment) to her professional license by the State Bar of Texas.
6. Respondent acted in a manner contrary to Indiana Code 27-1-15.6-12(b)(3) by obtaining a license through misrepresentation or fraud by having incorrect and materially untrue information on her Indiana non-resident producer license, to wit, the omissions of the September 15, 2009 felony conviction for Misappropriation of



Fiduciary Property and the discipline (disbarment) to her professional license by the State Bar of Texas.

7. Respondent acted in a manner contrary to Indiana Code 27-1-15.6-17(a) by failing to report the administrative actions taken by the State of Oklahoma and the State of Idaho within thirty (30) days.
8. Respondent acted in a manner contrary to the Indiana Code 27-1-15.6-12(b)(6) by having been convicted of a felony, to wit, the September 15, 2009 felony conviction for Misappropriation of Fiduciary Property.
9. Respondent acted in a manner contrary to the Indiana Code 27-1-15.6-12(b)(9) by having an insurance producer license revoked in the State of Oklahoma and State of Idaho.
10. Each of the above mentioned violations constitutes a violation of Indiana Code 27-1-15.6-12(b)(2)(A) in that Respondent violated an insurance law.
11. 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 producer license be permanently revoked.
2. Respondent be required to pay a fine in the amount of five thousand dollars (\$5,000.00) within ninety (90) days of the Final Order.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 2nd day of November, 2011.

Debra M. Webb

Debra M. Webb  
Administrative Law Judge

Distribution:

Nikolas P. Mann, Attorney  
Indiana Department of Insurance  
311 West Washington Street, Suite 300  
Indianapolis, Indiana 46240

Tiffany Lynn Lewis  
615 E. Abram Street, Apt. 127  
Arlington, TX 76010-1281

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 615 E. Abram Street, Apt. 127 )  
 Arlington, Texas 76010-1281 )  
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 Type of Agency Action: Enforcement )  
 )  
 Indiana Non-Resident Producer License No. 721205 )

**FILED**

AUG 15 2011

STATE OF INDIANA  
DEPT. OF INSURANCE

**STATEMENT OF CHARGES**

The Enforcement Division of the Indiana Department of Insurance (the "Department"), pursuant to the Indiana Administrative Orders and Procedures Act, Ind. Code § 4-21.5-1 *et seq.*, and the agent licensing provisions, Ind. Code § 27-1-15.6 *et seq.*, files charges against Tiffany Lynn Lewis ("Respondent"), a non-resident insurance producer licensed in the State of Indiana:

**FACTS**

1. Respondent, Tiffany Lynn Lewis, is a licensed non-resident insurance producer in Indiana, holding license number 721205, with an expiration date of October 31, 2012.
2. On April 12, 2005, a Judgment of Disbarment was entered by the Evidentiary Panel, District Number 07A, State Bar of Texas, against Respondent. It was Ordered, Adjudged and Decreed that the Respondent was disbarred from the practice of law in the State of Texas.
3. On September 15, 2009, a Judgment of Conviction by Court – Waiver of Jury Trial was entered in the Criminal District Court Number Three, Tarrant County, Texas against

Respondent. Respondent pled guilty and was convicted of a third degree felony, Misappropriation of Fiduciary Property - \$20,000 - \$100,000.

4. On or about October 6, 2010, Respondent submitted an application for an Indiana Non-Resident Producer License and answered "no" to the application question: "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?" Respondent also answered "no" to the application question: "Have you ever been named or involved as a party in an administrative proceeding regarding any professional or occupational license or registration?"
5. On June 16, 2011, the Oklahoma Department of Insurance took action against the Respondent because of her Criminal Record/History, for Demonstrating Lack of Fitness or Trustworthiness, and for a Misstatement on Respondent's Application. This action resulted in the revocation of Respondent's Oklahoma non-resident producer license.

#### COUNT I

6. The Department hereby incorporates by reference paragraphs 1 through 5 as if fully set forth herein.
7. Respondent provided incorrect and materially untrue information on her Indiana Non-Resident Producer License Application, by omitting the September 15, 2009, Texas felony conviction for Misappropriation of Fiduciary Property.
8. Respondent's conduct, as alleged herein, is a violation of Ind. Code § 27-1-15.6-12(b)(1) and is grounds for disciplinary action.

## COUNT II

9. The Department hereby incorporates by reference paragraphs 1 through 8 as if fully set forth herein.
10. Respondent obtained a license through misrepresentation or fraud by providing incorrect and materially untrue information on her Indiana Non-Resident Producer License Application, by omitting the September 15, 2009, Texas felony conviction for Misappropriation of Fiduciary Property.
11. Respondent's conduct, as alleged herein, is a violation of Ind. Code § 27-1-15.6-12(b)(3) and is grounds for disciplinary action.

## COUNT III

12. The Department hereby incorporates by reference paragraphs 1 through 11 as if fully set forth herein.
13. Respondent violated an insurance law when she failed to disclose to the Commissioner the June 16, 2011 Oklahoma administrative action, within thirty (30) days after the final disposition of the matter.
14. Respondent's conduct, as alleged herein, is a violation of Ind. Code §§27-1-15.6-12(b)(2)(A) and 27-1-15.6-17(a) and is grounds for disciplinary action.

## COUNT IV

15. The Department hereby incorporates by reference paragraphs 1 through 14 as if fully set forth herein.
16. Respondent was convicted of a felony, Misappropriation of Fiduciary Property, on September 15, 2009, in Tarrant County, Texas.

17. Respondent's conduct, as alleged herein, is a violation of Ind. Code § 27-1-15.6-12(b)(6) and is grounds for disciplinary action.

**COUNT V**

18. The Department hereby incorporates by reference paragraphs 1 through 17 as if fully set forth herein.
19. Respondent had an insurance producer license revoked in the State of Oklahoma.
20. Respondent's conduct, as alleged herein, is a violation of Ind. Code 27-1-15.6-12(b)(9) and is grounds for disciplinary action.

WHEREFORE, the Department, by counsel Nikolas P. Mann, requests the Commissioner impose a civil penalty on Respondent in the amount of ten thousand dollars (\$10,000.00); permanently revoke her producer's license, and all other relief just and proper in the premises.

Respectfully submitted,



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Nikolas P. Mann  
Attorney No. 26665-29

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing Statement of Charges has been served upon the Respondent, Tiffany Lynn Lewis, by mailing a copy of the same by First Class U.S. Mail, postage prepaid, this 11<sup>th</sup> day of August, 2011.

Tiffany Lynn Lewis  
615 E. Abram Street, Apt. 127  
Arlington, Texas 76010-1281



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Nikolas P. Mann  
Attorney No. 26665-29

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