

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO. 10280-AG12-0619-085

IN THE MATTER OF: )

JEFFREY A. RILEY )  
1528 Wilford Lane )  
Indianapolis, Indiana 46229 )

License Number: 757500 )

FILED

DEC 12 2012

STATE OF INDIANA  
DEPT. OF INSURANCE

Type of Agency Action: Enforcement

**FINAL ORDER**

On October 22, 2012, the appointed Administrative Law Judge, Holly Williams, filed her Findings of Fact, Conclusions of Law, and Recommended Order in the above captioned matter. As ultimate authority in this case, the Commissioner of the Indiana Department of Insurance, Stephen R. Robertson, having read and reviewed the Findings of Fact, Conclusions of Law, and Recommended Order and being duly advised in the premises, modifies ALJ William's Recommended Order pursuant to Indiana Code §4-21.5-3-29.

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 of record.
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.


ORDER

THEREFORE, the Commissioner of Insurance, being fully advised, now ORDERS:

1. Respondent's application for an insurance producer license is REVOKED, effective immediately
2. Respondent may reapply for an insurance producer's license once Respondent's child support obligation is current.
3. Respondent is not required to pay a civil penalty to the Department.

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.

ORDERED by the Commissioner this 12<sup>th</sup> day of December 2012.

  
Stephen W. Robertson  
Insurance Commissioner

Distribution:

Robert Hummel, Attorney  
Indiana Department of Insurance  
311 West Washington Street, Suite 103  
Indianapolis, Indiana 46204

Jeffrey Riley  
1528 Wilford Land  
Indianapolis, Indiana 46229

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO. 10280-AG12-0619-085

IN THE MATTER OF: )

Jeffrey A. Riley, )  
Respondent. )

1528 Wilford Lane )  
Indianapolis, Indiana 46229 )

Type of Agency Action: Enforcement

Indiana Insurance License No. 757500

FILED

OCT 22 2012

STATE OF INDIANA  
DEPT. OF INSURANCE

**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:  
Robert L. Hummel  
INDIANA DEPARTMENT OF INSURANCE  
311 W. Washington Street, Suite 200  
Indianapolis, Indiana 46204

Jeffrey A. Riley  
1528 Wilford Lane  
Indianapolis, Indiana 46229

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO. 10280-AG12-0619-085

IN THE MATTER OF: )

Jeffrey A. Riley, )  
Respondent. )

1528 Wilford Lane )  
Indianapolis, Indiana 46229 )

Type of Agency Action: Enforcement

Indiana Insurance License No. 757500

**FILED**

OCT 22 2012

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 Jeffrey A. Riley ("Respondent") under Cause No. 10280-AG12-0619-085. This matter came to be heard on July 25, 2012, at the Indiana Department of Insurance, 311 West Washington Street, Indianapolis, Indiana 46204.

The Indiana Department of Insurance ("Department") was represented at the hearing by counsel, Robert T. Hummel. Respondent appeared personally 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, Conclusions of Law, and issues a Recommended Order.

### FINDINGS OF FACT

1. Respondent is a licensed Indiana resident insurance producer, holding license number 757500.
2. Respondent was properly notified of the above hearing date and time by U.S. Certified Mail, #9214 8901 0661 5400 0000 8269 34, sent to Respondent's home address in Indianapolis. *Exhibit D.*
3. Respondent received a life, accident, and health insurance producer license on June 6, 2011, which expires on June 30, 2013. *Exhibit E.*
4. On May 20, 2011, the Commissioner issued a Final Order adopting an Agreed Entry signed by Respondent and the Department that granted Respondent a probationary insurance producer license. The terms of the probation required Respondent to establish a payment plan with the courts to pay his child support arrearage no later than six (6) months from the date of the Final Order. Respondent was also required to submit monthly reports to Department Investigator Ronda Ankney ("Investigator Ankney") for a period of six (6) months once the child support arrearage payment plan had been established. *Exhibit A.*
5. The Final Order issued on May 20, 2011, stated that if Respondent failed to comply with the terms of the probation, the matter would be set for hearing. *Exhibit A.*
6. On May 1, 2012, the Department received notification from the Indiana Department of Child Services that Respondent had two (2) outstanding child support cases, one in Marion County and one in Greene County. The total arrearage was twenty-nine thousand five hundred and thirty one dollars and fifty-two cents (\$29,531.52). *Exhibit A.*

7. The notification from the Indiana Department of Child Services indicated that Respondent had not been making sufficient payments on the arrearages. *Exhibit B; Transcript pg. 13.*

8. Respondent has never sold insurance with his current producer license. *Transcript pgs. 7-8.*

9. Respondent does not intend to ever sell insurance again, so the revocation of Respondent's producer license does not matter to him. *Transcript pg. 17.*

10. Respondent stated that he cannot afford to pay a fine to the Department. *Transcript pg. 17.*

11. Respondent applied to work for AFLAC in February 2011, but because he did not receive his producer license until June 2011, ALFAC did not offer him a job. *Transcript pg. 17.*

12. Respondent currently has child support obligations for three (3) children he father with three (3) women. Two children reside in Indiana and the third child resides in Alabama. *Transcript pgs. 21-22.*

13. Greene County, Indiana issued a contempt order for Respondent's failure to pay child support. Respondent's mother paid one thousand dollars (\$1,000) to satisfy the order. *Transcript pg. 19.*

14. Respondent did not submit any probation reports to Investigator Ankney. *Transcript pg. 31.*

15. Respondent was in the United States Marine Corps from 1989 through 1999, and obtained the rank of sergeant. Respondent served as a ground radio electrician. *Transcript pgs. 22-23.*

16. Respondent currently resides in Indianapolis with his mother and acts as her primary caregiver. *Transcript pg. 26.*

17. Conclusions of Law that can be adopted as Findings of Fact are hereby incorporated herein as such

#### CONCLUSIONS OF LAW

18. The Commissioner of Insurance has jurisdiction over both the subject matter and the parties to this action.

19. This hearing was held in compliance with the Administrative Orders and Procedures Act of the Indiana Code, codified at Ind. Code § 4-21.5 et seq. All procedures and rules set forth by such Act have been followed in this matter.

20. Service of process was completed via the use of the United States Mail in compliance with the statute and due process requirements.

21. Under Ind. Code §27-1-15.6-12(b)(2)(D), 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 violation of an order by the Commissioner.

22. Respondent failed to establish a payment plan to pay his child support arrearage within six (6) months in violation of the Commissioner's May 20, 2011, Final Order.

23. Respondent failed to submit monthly reports to Investigator Ankney in violation of the Commissioner's May 20, 2011, Final Order.

24. Under Ind. Code §27-1-15.6-12(b)(14), 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 failure to pay state income tax.

25. Respondent violated Indiana insurance law when he failed to pay state income tax or to comply with an administrative or court order directing payment of state income tax.

26. The Department has met its burden of proof and shown by a preponderance of the evidence that Respondent has violated Indiana insurance law and should be subject to disciplinary action.

27. The civil penalty requested in the Statement of Charges should be waived in light of Respondent's financial condition and on the recommendation of Department's counsel. Any fine imposed would make less money available for Respondent to pay his child support arrearage and state income tax liability.

28. Findings of Fact that can be adopted as a Conclusion of Law are hereby incorporated herein as such.

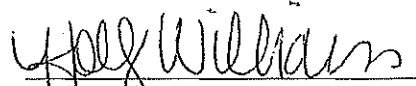


**RECOMMENDED ORDER**

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:

29. Respondent's license is revoked permanently, effective immediately.
30. Respondent is not required to pay a civil penalty to the Department.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 22<sup>nd</sup> day of October, 2012.

  
Holly Williams  
Administrative Law Judge

Distribution:

Jeffrey A. Riley  
1528 Wilford Lane  
Indianapolis, Indiana 46229

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