

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER:11604-AG13-0211-077

IN THE MATTER OF:

Haroon Binwalee
310 E. 86th Street
Indianapolis, IN 46240

Respondent,

Type of Agency Action: Enforcement

License Number: 794678

FILED

SEP 18 2013

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On July 22, 2013, the Administrative Law Judge, filed his 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 to his address on record.

2. The Department has complied with the notice requirements of Ind. Code §4-21.5-3-17.

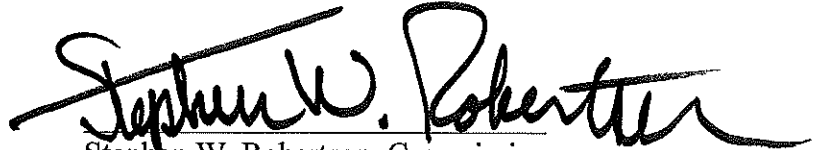
3. Neither party has filed an objection with the Commissioner regarding the Administrative Law Judge's Recommended Order, and more than eighteen (18) days have elapsed.

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 license is revoked permanently, effective immediately.

ALL OF WHICH IS ORDERED by the Commissioner this 18th day of September, 2013.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Holly Williams
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204

Haroon Binwalee
310 E. 96th Street
Indianapolis, Indiana 46240

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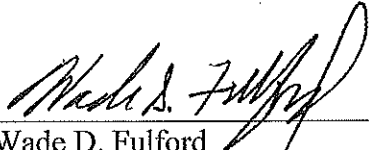
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STATE OF INDIANA
DEPT. OF INSURANCE

NOTICE OF FILING OF RECOMMENDED ORDER

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



Wade D. Fulford
Administrative Law Judge

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

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CAUSE NUMBER:11604-AG13-0211-077

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STATE OF INDIANA
DEPT. OF INSURANCE

FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND RECOMMENDED ORDER

Administrative Law Judge Wade Fulford ("ALJ Fulford"), having considered and reviewed all of the evidence, now renders a decision in the matter of Respondent Haroon Binwalee ("Respondent") in the above captioned proceeding. This matter came to be heard on May 23, 2012, at 11:00 A.M. in the offices of the Indiana Department of Insurance ("Department") at 311 West Washington Street in Indianapolis, Indiana.

The Department was represented by counsel, Holly A. Williams. Respondent failed to appear in person or by counsel. A witness for the Department testified under oath, evidence was heard, and exhibits were received into evidence.

Based upon the evidence presented and the hearing, ALJ Fulford now makes the following Findings of Fact and Conclusions of Law, and issues a Recommended Order as follows:

FINDINGS OF FACT

1. Respondent is a resident insurance producer, holding producer's license number 794678 in the State of Indiana. *Exhibit B.*
2. Respondent received his resident producer license on December 13, 2011. *Exhibit B.*
3. The Department received notice from Respondent's employer that Respondent had received a restricted license in California after their investigation revealed Respondent failed to disclose two (2) felony convictions on his license application for aggravated battery and unlawful use of weapon by a felon. *Transcript pgs. 13, 18-19; Exhibit C.*
4. The Department filed its Statement of Charges on February 20, 2013. The Notice of Hearing was filed on March 21, 2013. *Statement of Charges; Notice of Hearing.*
5. Respondent was properly notified of the hearing date and time by U.S. Certified Mail #9214 8901 0661 5400 0013 6014 67 and service was completed. *Exhibit A.*
6. On Respondent's resident producer license application, Respondent answered "no" to the first question, asking "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?" *Exhibit B.*
7. On or about July 5, 1989, Respondent was convicted of Aggravated Battery, a felony, in Illinois. *Transcript pgs. 21-22; Exhibit D.*
8. On or about July 13, 1993, Respondent was convicted of Unlawful Use of a Weapon by a Felon, a felony, in Illinois. *Transcript pgs. 22-24; Exhibit D.*
9. On October 10, 2012, the Maryland Insurance Administration revoked Respondent's non-resident insurance producer license for failing to disclose his felony convictions on his license application. *Transcript pgs. 25-26; Exhibit E.*

10. The Maryland Insurance Administration contacted Respondent prior to revoking his license and requested a written explanation as to why Respondent did not disclose his felony convictions. Respondent responded in writing, stating that the convictions took place a long time ago and he had forgotten that they even took place. *Transcript pgs. 26-27; Exhibit E.*

11. Respondent did not disclose the administrative action taken by the Maryland Insurance Administration to the Department. *Transcript pg. 28.*

12. On December 5, 2012, the North Dakota Insurance Department revoked Respondent's non-resident insurance producer license for failing to disclose Respondent's felony convictions on his license application. *Transcript pgs. 28-29; Exhibit F.*

13. Respondent did not disclose the administrative action taken by the North Dakota Insurance Department to the Department. *Transcript pg. 30.*

14. On January 17, 2013, the Commonwealth of Virginia's Bureau of Insurance revoke Respondent's non-resident producer license for failing to disclose Respondent's felonies on his license application and for failing to report administrative actions taken against Respondent's license by the state of California. *Transcript pgs. 31-32; Exhibit G.*

15. Respondent failed to disclose the administrative action taken by the Bureau of Insurance in the Commonwealth of Virginia. *Transcript pg. 33.*

CONCLUSIONS OF LAW

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

17. 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.

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

19. Pursuant to IC § 27-1-15.6-12(b), “the Commissioner may reprimand, levy a civil penalty, place an insurance producer on probation, suspend an insurance producer’s license, revoke an insurance producer’s license ... or take any combination of these actions[.]”

20. The Department has met its burden of proof by showing, by a preponderance of the evidence that Respondent provided incorrect, misleading, incomplete or materially untrue information on Respondent’s Indiana resident insurance producer license application when Respondent answer “no” to the question asking whether Respondent had any criminal convictions. Respondent’s conduct constituted a violation of IC § 27-1-15.6-12(b)(1).

21. Respondent obtained his resident insurance producer license through misrepresentation or fraud. Specifically, Respondent misrepresented his criminal history on his insurance producer license application. Respondent’s conduct constituted a violation of IC § 27-1-15.6-12(b)(3).

22. Respondent has felony convictions in Illinois for aggravated battery and unlawful use of a weapon by a felon. Respondent’s conduct constituted a violation of IC § 27-1-15.6-12(b)(6).

23. The Department has met its burden of proof by showing, by a preponderance of the evidence, that Respondent had a non-resident insurance producer’s license, or its equivalent,

revoked in the following states: Maryland, North Dakota, and the Commonwealth of Virginia. Respondent's conduct constituted a violation of IC § 27-1-15.6-12(b)(9).

24. Respondent failed to report the administrative actions taken in Maryland, North Dakota, and the Commonwealth of Virginia, against his non-resident insurance licenses in violation of IC § 27-1-15.6-17(a).

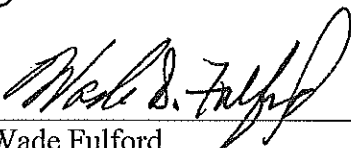
25. Findings of Fact that can be adopted as a Conclusion of Law are hereby incorporated herein as such.

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 license is revoked permanently, effective immediately.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 22nd day of July, 2013.



Wade Fulford
Administrative Law Judge

Distribution:

Haroon Binwalee
310 E. 96th Street
Indianapolis, Indiana 46240

Holly A. Williams, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204

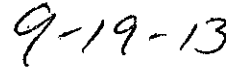
Enforcement Case 11604

Complainant: None

Respondent: Haroon Binwalee

Issue: Mr. Binwalee failed to disclose that he had been convicted of felony battery (1989) and felony unlawful use of a handgun (1993) on his 2011 license application. He also failed to disclose his licenses were revoked in MD, ND and VA. We filed a statement of charges, had a hearing, and Respondent's non-resident license was revoked by the Commissioner's Final Order on Sep 18.

Resolution: License now revoked. Matter Resolved. Recommend closing file.

A handwritten signature in black ink, appearing to be "D. K. V.", written over a horizontal line.A handwritten date "9-19-13" in black ink, written over a horizontal line.