

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO. 11643-AG12-1030-110

IN THE MATTER OF:

John P. Deokaran,
Respondent.

973 N, Shadeland Ave., Apt. 190
Indianapolis, IN 46219

Type of Agency Action: Enforcement

Insurance License No. 773625

FILED

AUG 30 2013

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On July 2, 2013, 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 his counsel of 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 resident independent adjuster license is placed on probation for a period of two (2) years.
2. Respondent shall pay a civil penalty to the Department in the amount of **five hundred dollars (\$500.00)**, due in sixty (60) days.

ALL OF WHICH IS ORDERED by the Commissioner this 30th day of ~~September~~ ^{August}, 2013.

Stephen W. Robertson

Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Michael F. Mullen
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204

Julie Smith
David J. Hensel
Pence Hensel LLC
135 N. Pennsylvania St., Suite 1600
Indianapolis, IN 46204

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JUL 02 2013

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 John P. Deokaran ("Respondent"), which came to be heard on April 3, 2013, at approximately 10:00 a.m. at the Indiana Department of Insurance, 311 West Washington St., Indianapolis, Indiana 46204.

The Indiana Department of Insurance ("Department") was represented by counsel, Michael Mullen. Respondent was present and was represented by counsel, Julie Smith. 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. Respondent is a licensed resident independent adjuster, holding license number 773625. *Exhibit 1.*

2. On January 28, 2013, the Department filed an Amended Statement of Charges. *Amended Statement of Charges.*

3. On April 2, 2013, the Department and Respondent, by and through counsel, entered into a Stipulation. Both parties stipulated to the following facts outlined in the Amended Statement of Charges:

a. Respondent was issued a resident independent adjuster license on August 31, 2011.

b. Respondent was admitted to the practice of law in Louisiana on or about October 29, 1999.

c. On September 19, 2003, the Supreme Court of Louisiana permanently disbarred Respondent from the practice of law in Louisiana.

d. Respondent was issued an insurance adjuster license by the Texas Department of Insurance on April 20, 2000.

e. On March 24, 2006, the Commissioner of the Texas Department of Insurance signed and approved a Default Order which ordered the revocation of Respondent's Texas insurance adjuster license.

f. On August 24, 2011, the Agency Services division of the Department received Respondent's application for an individual adjuster's license.

g. Respondent wrote on his application that Respondent had never been named or involved as a party in an administrative proceeding regarding any professional or occupational license.

Transcript pgs. 11-12; Stipulation.

4. Respondent was admitted to the Louisiana bar, but never practiced or intended to practice law. *Transcript pgs. 19-20.*

5. For misconduct, Respondent voluntarily surrendered his law license to the Supreme Court of Louisiana. *Transcript pg. 20; Exhibit 2.*

6. After surrendering his law license, the incident that prompted Respondent to surrender his law license was expunged from his record. *Transcript pg. 20.*

7. Respondent understood that the expungement by the court would restore all of Respondent's civil rights and remove anything associated with the incident. *Transcript pg. 20.*

8. Respondent moved to Indiana in April 2006 and began working as an independent adjuster. *Transcript pg. 21.*

9. Prior to submitting his application for a resident independent adjuster license in 2011, Respondent contacted the Department regarding instructions for filling out the application. *Transcript pgs. 22-23.*

10. Respondent did not receive answers to his specific questions regarding the application. *Transcript pgs. 23-24.*

11. Respondent stated that he now recognizes that he should have disclosed the Supreme Court of Louisiana's permanent revocation of his law license on his Indiana resident independent adjuster license application. *Transcript pg. 24.*

12. In 2000, Respondent was issued an insurance adjuster license by the Texas Department of Insurance. *Transcript pg. 24.*

13. Respondent never worked as an insurance adjuster in Texas. *Transcript pg. 24.*

14. Respondent was under the impression that if he did not renew his insurance adjuster license in Texas, it would lapse. *Transcript pg. 24-25.*

15. In 2006, two (2) years after Respondent's license lapsed, the Texas Department of Insurance entered a Default Order revoking Respondent's insurance adjuster license. *Exhibit 3.*

16. The Texas Department of Insurance concluded that because Respondent violated a Texas insurance law before the effective date of his voluntary surrender, disciplinary actions were appropriate. *Exhibit 3.*

17. Respondent was unaware that his Texas license had been revoked until the Department initiated these proceedings. Respondent never received notice of the Texas revocation. *Transcript pg. 25.*

18. Respondent is the sole practitioner for his company, North American Aides Services. *Transcript pgs. 25-26.*

19. Respondent currently has between fifty (50) and sixty (60) open files. *Transcript pg. 26.*

20. Respondent stated that it would cause a hardship on his clients, claimants, and insurance companies if Respondent's license would be suspended or revoked without a grace period to resolve his open cases. *Transcript pgs. 26-27.*

21. Respondent has been an insurance adjuster for approximately thirty (30) years. *Transcript pg. 27.*

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

CONCLUSIONS OF LAW

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

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

25. Ind. Code § 27-1-28-18(b)(1) states that the Commissioner can “suspend, revoke, or refuse to issue or renew an independent adjuster license, or place an independent adjuster on probation, for ... [p]roviding incorrect, misleading, incomplete, or materially untrue information in a license application.” Respondent acknowledged and accepted responsibility for his failure to provide the correct information regarding the permanent revocation of his Louisiana law license approximately ten (10) years ago. Additionally, the incident that prompted Respondent to surrender his law license was subsequently expunged entirely from Respondent’s record.

26. Ind. Code § 27-1-28-18(b)(9) states that the Commissioner can “suspend, revoke, or refuse to issue or renew an independent adjuster license, or place an independent adjuster on probation, for ... [h]aving an insurance license, or its equivalent, probated, suspended, revoked, or refused in another state, province, district, or territory.” Respondent’s insurance adjuster license was revoked by the Texas Department of

Insurance in 2006; however, Respondent had no notice of this revocation that occurred nearly two (2) years after he allowed his license to lapse.

27. The Department has not met its burden of proof and shown by a preponderance of the evidence that Respondent's conduct is cause for discipline under Ind. Code §27-1-28-18.

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

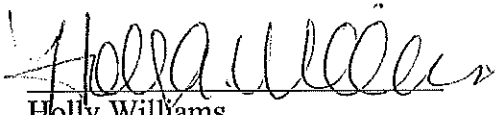
RECOMMENDED ORDER

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 resident independent adjuster license should be placed on a probationary status immediately for a period of two (2) years.

30. Respondent should be required to pay a civil penalty the Department in the amount of **five hundred dollars (\$500.00)**, 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 2nd day of July, 2013.


Holly Williams
Administrative Law Judge

Distribution:

Michael F. Mullen
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204

Julie Smith
David J. Hensel
Pence Hensel LLC
135 N. Pennsylvania St., Suite 1600
Indianapolis, IN 46204

STATE OF INDIANA)
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BEFORE THE INDIANA
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Type of Agency Action: Enforcement

License No. 773625

FILED

JAN 28 2013

STATE OF INDIANA
DEPT. OF INSURANCE

AMENDED STATEMENT OF CHARGES

The Enforcement Division of the Indiana Department of Insurance (the "Department"), by counsel, Michael F. Mullen, pursuant to the Indiana Administrative Orders and Procedures Act, Indiana Code § 4-21.5-1 *et seq.*, and the Independent Adjuster Licensing provisions, Indiana Code § 27-1-28-1 *et seq.*, files its Amended Statement of Charges against John P. Deokaran ("Respondent") as follows:

FACTS

1. Respondent, a resident independent adjuster, has held license number 773625 since August 31, 2011 ("Respondent's Indiana license").
2. Respondent was admitted to the practice of law in Louisiana on or about October 29, 1999.
3. On or about September 19, 2003, the Supreme Court of Louisiana permanently disbarred Respondent from the practice of law in Louisiana.

4. Respondent was issued an insurance adjuster license by the Texas Department of Insurance on April 20, 2000.
5. On March 24, 2006, the Commissioner of the Texas Department of Insurance signed and approved a Default Order which ordered the revocation of Respondent's Texas license.
6. On or about August 24, 2011, the Agency Services division of the Department received Respondent's application for an individual adjuster's license.
7. Respondent stated on his application that he has never been named or involved as a party in an administrative proceeding regarding any professional or occupational license.
8. Respondent's Indiana license is scheduled to expire on February 28, 2014.

COUNT I

9. Averments 1 through 8 are repeated as if fully incorporated by reference herein.
10. Respondent provided incorrect, misleading, incomplete or materially untrue information in a license application, specifically, his statement that he has never been named or involved as a party in an administrative proceeding regarding any professional or occupational license.
11. Respondent's conduct is in violation of Indiana Code § 27-1-28-18(b)(1).

COUNT II

12. Averments 1 through 11 are repeated as if fully incorporated by reference herein.
13. Respondent had an insurance license revoked in another state.
14. Respondent's conduct is in violation of Indiana Code § 27-1-28-18(b)(9).

COUNT III

15. Averments 1 through 14 are repeated as if fully incorporated by reference herein.

16. Respondent provided incorrect, misleading, incomplete or materially untrue information in a license application, specifically, his statement that he has never been named or involved as a party in an administrative proceeding regarding any professional or occupational license.

17. Respondent's conduct is in violation of Indiana Code § 27-1-28-18(b)(1).

COUNT IV

18. Averments 1 through 17 are repeated as if fully incorporated by reference herein.

19. Respondent obtained a license through misrepresentation and fraud, specifically, through his statement that he has never been involved as a party in an administrative proceeding regarding any professional or occupational license.

20. Respondent's conduct is in violation of Indiana Code § 27-1-28-18(b)(3).

WHEREFORE, the Department, by counsel, Michael F. Mullen, requests that the Commissioner:

(1) permanently revoke Respondent's license; (2) order a fine in the amount of ten thousand dollars and 00/100 (\$10,000.00); and (3) all other appropriate relief.

Respectfully submitted,



Michael F. Mullen,
Attorney No. 30395-49

Indiana Department of Insurance
Enforcement Division
311 West Washington Street, Suite 300
Indianapolis, IN 46204-2787
(317) 233-4243 – telephone
(317) 232-5251 – facsimile

CERTIFICATE OF SERVICE

This is to certify that a copy of the Amended Statement of Charges has been served upon Respondent's counsel in the captioned proceeding by depositing a copy of same in the United States mail, First Class Postage prepaid, this 28th day of January, 2013.

Julie Smith
PENCE HENSEL LLC
135 N. Pennsylvania St., Suite 1600
Indianapolis, IN 46204

A handwritten signature in black ink, appearing to read "M. F. Mullen", written over a horizontal line.

Michael F. Mullen,
Attorney No. 30395-49

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NOV 02 2012

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, Indiana Code § 4-21.5-1 *et seq.*, and the Independent Adjuster Licensing provisions, Indiana Code § 27-1-28-1 *et seq.*, files its Statement of Charges against John P. Deokaran ("Respondent") as follows:

FACTS

1. Respondent, a resident independent adjuster, has held license number 773625 since August 31, 2011 ("Respondent's license").
2. Respondent was admitted to the practice of law in Louisiana on or about October 29, 1999.
3. On or about November 8, 2001, Respondent was indicted by a Tangipahoa Parish grand jury in Louisiana of eight (8) counts of money laundering, each a felony. The grand jury

indictment was based on Respondent's conduct as an employee of Allstate Insurance Company.

4. On or about August 20, 2002, Respondent pleaded guilty to one (1) count of money laundering, a felony.
5. On or about September 19, 2003, as a result of the abovementioned money laundering conviction, the Supreme Court of Louisiana permanently disbarred Respondent from the practice of law in Louisiana.
6. On or about August 24, 2011, the Agency Services division of the Department received Respondent's application for an individual adjuster's license.
7. On his application, Respondent stated that he has never been convicted of a crime.
8. Respondent also stated on his application that he has never been named or involved as a party in an administrative proceeding regarding any professional or occupational license.
9. Respondent's license is scheduled to expire on February 28, 2014.

COUNT I

10. Averments 1 through 9 are repeated as if fully incorporated by reference herein.
11. Respondent provided incorrect, misleading, incomplete or materially untrue information in a license application, specifically, his statement that he has never been convicted of a crime.
12. Respondent's conduct is in violation of Indiana Code § 27-1-28-18(b)(1).

COUNT II

13. Averments 1 through 12 are repeated as if fully incorporated by reference herein.
14. Respondent provided incorrect, misleading, incomplete or materially untrue information in a license application, specifically, his statement that he has never been named or

involved as a party in an administrative proceeding regarding any professional or occupational license.

15. Respondent's conduct is in violation of Indiana Code § 27-1-28-18(b)(1).

COUNT III

16. Averments 1 through 15 are repeated as if fully incorporated by reference herein.

17. Respondent obtained a license through misrepresentation and fraud, specifically, through his statements that he has never been convicted of a crime or involved as a party in an administrative proceeding regarding any professional or occupational license.

18. Respondent's conduct is in violation of Indiana Code § 27-1-28-18(b)(3).

COUNT IV

19. Averments 1 through 18 are repeated as if fully incorporated by reference herein.

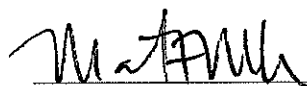
20. Respondent has been convicted of a felony, specifically, his 2002 felony money laundering conviction in Louisiana.

21. Respondent's conduct is in violation of Indiana Code § 27-1-28-18(b)(6).

WHEREFORE, the Department, by counsel, Michael F. Mullen, requests that the Commissioner:

(1) permanently revoke Respondent's license; (2) order a fine in the amount of one thousand two hundred fifty dollars (\$1,250.00) per count, for a total fine amount of five thousand dollars (\$5,000.00); and (3) all other appropriate relief.

Respectfully submitted,



Michael F. Mullen,
Attorney No. 30395-49

Indiana Department of Insurance
Enforcement Division
311 West Washington Street, Suite 300
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(317) 233-4243 – telephone
(317) 232-5251 – facsimile

CERTIFICATE OF SERVICE

This is to certify that a copy of the Statement of Charges has been served upon Respondents in the captioned proceeding by depositing a copy of same in the United States mail, First Class Postage prepaid, this 2ND day of November, 2012.



Michael F. Mullen,
Attorney No. 30395-49

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