

STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF MARION    )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER:11892-AD13-0129-002

IN THE MATTER OF:

Susan Haydon  
Applicant

604 Coventry Way  
Noblesville, IN 46062

**FILED**

JUL 23 2013

STATE OF INDIANA  
DEPT. OF INSURANCE

Type of Agency Action: Enforcement

**FINAL ORDER**

On May 30, 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 Applicant 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. The Preliminary Administrative Order and Notice of License Denial of February 1, 2013 is reversed and Applicant is granted a probationary license.
2. Applicant will be on probation for a period of two (2) years. During the probation period, Applicant is to:
  - a. Report to the Department any change in employment, including the date of said change, the address of the employer and a list of insurance companies for whom Applicant is soliciting and/or writing business;
  - b. Report to the Department any arrest and/or convictions for any violation of law, except minor traffic violations, within ten (10) days thereof.

ALL OF WHICH IS ORDERED by the Commissioner this 23<sup>rd</sup> day of July, 2013.

  
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

Susan Haydon  
604 Coventry Way  
Noblesville, IN 46062

5. Applicant voluntarily disclosed the 2002 felony cocaine conviction when submitting her initial application to the Indiana Department of Insurance. Rather than mislead the Department, Applicant provided supplemental documentation regarding the terms of her conviction and probation. (*Exhibit 5-6*).
6. Applicant has taken positive steps in the process of change. As of March 5, 2013, Applicant had not been arrested or named in any other criminal matters (*Transcript p. 31*). She has also has held a real estate salesperson license since 2005 without having any action taken against said license. (*Transcript p. 33*).
7. Applicant has met her burden of proof by confirming that the Commissioner's Preliminary Administrative Order and Notice of License Denial was in error and should be reversed.
8. Findings of Fact that can be adopted as a Conclusion of Law are hereby incorporated herein as such.

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CAUSE NO: 11892-AD13-0129-002

IN THE MATTER OF:

SUSAN HAYDON  
604 Coventry Way  
Noblesville, IN 46062

Applicant

Type of Agency Action: Enforcement

Application Number: 348087

**FILED**

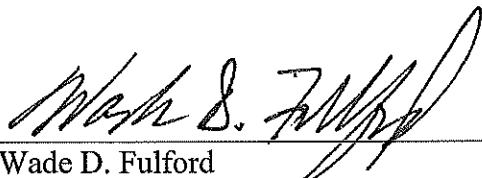
MAY 30 2013

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     )  
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BEFORE THE INDIANA  
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IN THE MATTER OF:                     )  
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604 Coventry Way                        )  
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MAY 30 2013  
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**FINDINGS OF FACT,**  
**CONCLUSIONS OF LAW, AND RECOMMENDED ORDER**

Administrative Law Judge, Wade D. Fulford, having considered and reviewed all of the evidence, will now render a decision in the matter of Susan Haydon ("Applicant"), which came to be heard on March 5, 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 F. Mullen. Respondent was 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. On December 13, 2012, Applicant submitted a resident producer application for a life, accident, and health license. (*Exhibit 4*).
2. On the resident producer application, Applicant indicated that she had been convicted of a crime. (*Exhibit 4 at p. 5*).
3. On February 1, 2013, the Commissioner of the Indiana Department of Insurance, Stephen W. Robertson, filed a Preliminary Administrative Order and Notice of License Denial ("Preliminary Denial"). The Applicant's application was denied because the Commissioner found that Applicant's previous felony conviction prevented her from fully meeting the requirements of licensure, as stated by Ind. Code § 27-1-15.6-12(b). (*Exhibit 2*).
4. On February 8, 2013, Applicant timely requested a hearing for the purpose of determining the reasonableness of the Preliminary Denial. (*Exhibit 3*).
5. Applicant's request for licensure was denied because, on February 28, 2002, she pled guilty to Dealing Cocaine, a Class B Felony. (*Exhibit 2 at p. 1; Transcript at p.17:2-6*)
6. On June 25, 2002, Applicant was sentenced to six (6) years at the Indiana Department of Corrections, with one (1) year executed and five (5) years suspended. (*Exhibit 5*).
7. In satisfaction of her one (1) year executed sentence, Applicant served thirty (30) days in Hamilton county Jail and the remaining three hundred thirty five (335) days on house arrest. (*Exhibit 6; Transcript at p. 33*)

8. Additionally, applicant was placed on probation for a period of four (4) years. (*Exhibit 5*). On June 12, 2007, Applicant, having completed the prescribed requirements, was discharged from said probation. (*Exhibit 6*).
9. Applicant testifies that she believes in a lenient sentence, in part, because she had no other criminal history at the time of sentencing. (*Transcript at p. 33*). She further testified that, as of the date of the hearing, she had not been arrested or named in any other criminal matters. (*Transcript at p. 31*).
10. Applicant introduced into evidence twenty-seven (27) letters of reference that she has “had over the years.” (*Transcript at p. 11; Exhibit A*). Applicant quantifies said letters as “about half” of her full collection. (*Transcript at p. 11*). The letters were written by family, friends, and professional acquaintances between October 18, 2000 and November 10, 2004. (*Exhibit A*).
11. On March 1, 2005, the Indiana Real Estate Commission Granted Applicant’s request for licensure as a real estate salesperson. (*Exhibit 8*). After initially denying Applicant’s request for the same conviction in this matter, an evidentiary hearing was held to determine the reasonableness of her application denial. (*Exhibit 8*). The Administrative Law Judge for the Real Estate Commission concluded as a matter of law that Applicant “does not have a conviction which has a direct bearing on her ability to practice competently or that indicates a propensity to endanger the public.” (*Exhibit 8 at p. 3*). The Chairman of the Indiana Real Estate Commission affirmed and adopted the Administrative Law Judge’s order granting Applicant’s licensure as a real estate salesperson.

12. Applicant testified that she still holds the same real estate salesperson license and has not had any action taken against said license. (*Transcript at p. 33-34*).
13. Applicant testified that she has been in contact with a potential employer, who is aware of her conviction, and willing to hire her as an insurance producer should she receive a license. (*Transcript at p. 10-11*). Applicant provided a letter discussing the employer's plans to oversee Applicant's development as an insurance producer.<sup>1</sup>
14. Following the conclusion of the administrative law proceedings on March 5, 2013, attorney Michael F. Mullen, representing the Enforcement Division of the Department of Insurance, recommended granting the Applicant's producer license subject to a two (2) year probationary period.

#### **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, codified at Ind. Code § 4-21.5 et seq. 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. Ind. Code §27-1-15.6-12(b)(6) states that the Commissioner may refuse to issue an insurance producer license if the applicant has been convicted of a felony.

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<sup>1</sup> Applicant did not present any evidence to support her testimony at the hearing; however, ALJ Fulford permitted her to submit such documentation to the Court within two (2) weeks of March 5, 2013. Applicant timely provided such documentation, which is attached hereto as Exhibit B. The Department has no objection to the admission of this letter.

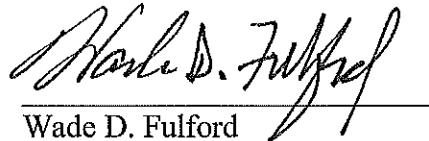


### **RECOMMENDED ORDER**

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. The Preliminary Administrative Order and Notice of License Denial of February 1, 2013 should be reversed and Applicant should be granted a producer's license.
2. Applicant will hold a provisional license for a period of two years. During this probationary period, the Application shall:
  - a. Report to the Department any change in employment, including the date of said change, the address of the employer, and a list of insurance companies for whom Petitioner is soliciting and/or writing business;
  - b. Report to the Department any arrests and/or convictions for any violation of law, except minor traffic violations, within ten (10) days thereof.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 30<sup>th</sup> day of May, 2013.

  
Wade D. Fulford

**Administrative Law Judge**

**Distribution:**

Susan Haydon  
604 Coventry Way  
Noblesville, IN 46062

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

STATE OF INDIANA )  
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Respondent/Applicant. )  
 )  
Application Number 348087 )  
 )  
Type of Action: Enforcement )

**FILED**

FEB 01 2013

STATE OF INDIANA  
DEPT. OF INSURANCE

**PRELIMINARY ADMINISTRATIVE ORDER**  
**AND NOTICE OF LICENSE DENIAL**

The Indiana Department of Insurance ("Department"), pursuant to the Indiana Administrative Orders and Procedures Act, Ind. Code 4-21.5-1 *et seq.*, and Ind. Code § 27-1-15.6-12, hereby gives notice to **Susan Haydon** ("Applicant") that her application for a resident producer license is denied pursuant to the following Administrative Order:

1. Applicant filed her application for licensure with the Department on or about December 13, 2012. Upon review of the documents and information Applicant submitted contemporaneous with her application, the Commissioner of the Department ("Commissioner"), being fully advised, now hereby notifies Applicant that she has not fully met the requirements of licensure as stated by Ind. Code § 27-1-15.6-12(b); specifically, in February, 2002, Applicant was convicted of Dealing Cocaine, a Class "B" Felony.


2. Ind. Code § 27-1-15.6-12(d) provides, in part, as follows:

If the Commissioner refuses to renew a license or denies an application for a license, the Commissioner shall notify the applicant or licensee and advise the applicant or licensee ... of the reason for the denial of the applicant's application or the non renewal of the licensee's license.

3. Applicant may, not more than sixty-three (63) days after the date this notice is mailed, make a written demand to the Commissioner for a hearing to determine the reasonableness of the Commissioner's action. The hearing will be held not more than thirty (30) days after Applicant's demand and will be conducted in accordance with Ind. Code 4-21.

**IT IS THEREFORE ORDERED** that Applicant's request for licensure is hereby denied pursuant to Indiana Code 27-1-15.6-12(b).

02.01.2013  
Date Signed

  
Stephen W. Robertson  
Commissioner,  
Indiana Department of Insurance

Distribution:

Susan Haydon  
604 Coventry Way  
Noblesville, IN 46062

David Rose, Investigator  
Indiana Department of Insurance  
311 W. Washington St., Suite 300  
Indianapolis, IN 46204

Certified Receipt: 9214 8901 0661 5400 0010 8465 95