

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

Cause No.: 11942-AD13-0213-005

IN THE MATTER OF: )  
 )  
BAIL AGENT LICENSE )  
APPLICATION OF: )  
 )  
Saundra L. Rigney )  
14314 Daleville Road )  
Daleville, IN 47334 )

**FILED**

AUG 01 2013

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

On June 24, 2013, the appointed Administrative Law Judge, Holly Williams, 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 of 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. Applicant has not 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:

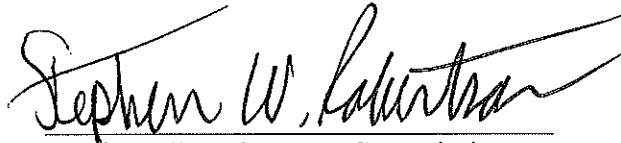
IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. The Preliminary Administrative Order and Notice of License Denial of February 18, 2013 is overturned, granting Applicant's bail agent license application.

2. Applicant's bail agent license is granted subject to a probationary period of one (1) year from the date of this Final Order.

Under Ind. Code §4-21.5-5-5, Applicant has the right to appeal this Final Order by filing a petition for judicial review in the appropriate court within thirty (30) days.

ALL OF WHICH IS Ordered by the Commissioner this 1<sup>st</sup> day of August, 2013.



Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

Sandra L. Rigney  
14314 Daleville Road  
Daleville, IN 47334

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

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE  
CAUSE NO. 11942-AD13-0213-005

IN THE MATTER OF: )  
 )  
BAIL AGENT LICENSE )  
APPLICATION OF: )  
 )  
 )  
Saundra L. Rigney )  
14314 Daleville Road )  
Daleville, IN 47334 )

**FILED**


JUN 24 2013

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 twenty (20) days from the date stamped on this Order.

  
Holly A. Williams  
Administrative Law Judge

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

Saundra L. Rigney  
14314 Daleville Road  
Daleville, IN 47334

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO. 11942-AD13-0213-005

IN THE MATTER OF: )  
 )  
BAIL AGENT LICENSE )  
APPLICATION OF: )  
 )  
 )  
Saundra L. Rigney )  
14314 Daleville Road )  
Daleville, IN 47334 )

**FILED**  
JUN 24 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 the bail agent license application of Saundra L. Rigney (“Applicant”). This matter came to be heard on March 26, 2013, before Administrative Law Judge Holly Williams at the Indiana Department of Insurance, 311 West Washington Street, Indianapolis, Indiana.

The Indiana Department of Insurance (“Department”) was represented at the hearing by counsel, Robert T. Hummel. Applicant, Saundra L. Rigney, attended the hearing and represented herself, *pro se*, in this matter. At the hearing, evidence was heard and exhibits were received into evidence.

Based upon the evidence presented at the hearing, the Administrative Law Judge now makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

## FINDINGS OF FACT

1. Applicant was properly notified of the above hearing date and time by U.S. Certified Mail #9214 0661 540 0012 9654 16. *Notice of Hearing.*

2. On January 24, 2013, Applicant submitted an application for an Indiana bail agent license. *Exhibit 1.*

3. Following a review of the materials submitted by Applicant in support of her application and further investigation by the Department, the Commissioner of the Department filed an initial Notice of License Denial on February 18, 2013, for failing to affirmatively show she is of good moral character and for making material misstatements or misrepresentations on her bail agent license application. *Preliminary Administrative Order and Notice of License Denial.*

4. On the questionnaire portion of the license application, Applicant answered “no” to question two (2), which read: “Has a disciplinary action ever been taken against you by any public authority, including a law enforcement agency?” *Exhibit 1.*

5. On the questionnaire portion of the license application, Applicant answered “yes” to the question, “Has your driver’s license ever been suspended?” *Exhibit 1.*

6. Applicant attached supplemental documentation to her application explaining that her “[d]river’s license was suspended due to insurance mix-up. Was over 10 y ago.” *Exhibit 1.*

7. Applicant signed the questionnaire affirming under the penalties of perjury that her answers and information were true and accurate. *Exhibit 1.*

8. On March 1, 2013, Applicant submitted a letter to the Department requesting a hearing to reconsider the preliminary denial of her license application. In the letter, Applicant

stated that her driver's license suspensions were over ten (10) years ago, and that her OWI conviction in 1996 was a misdemeanor and occurred over seventeen (17) years ago. *Exhibit 2.*

9. Applicant testified that she was "under the impression that anything over five years for a misdemeanor or anything over ten years for a felony" did not have to be reported on the application because of the time that has passed and public nature of the information.

*Transcript p. 9-10.*

10. In October 1996, Applicant was charged with Operating with a Blood Alcohol of .08, Operating While Intoxicated, Public Intoxication, and Driving Left of Center. Applicant entered a plea of not guilty to the stated charges. In November 1996, Applicant withdrew her plea of not guilty and entered a plea of guilty in exchange for dropping several of the charges. Applicant pled guilty to the charge of misdemeanor Operating a Vehicle While Intoxicated in Henry County, Indiana and was sentenced to one (1) year of probation and restricted driving privileges for one hundred and eighty (180) days. *Exhibit 3; Transcript p. 39-40.*

11. In April 2003, Applicant pled guilty to felony Possession of Cocaine, felony Possession of a Controlled Substance, and misdemeanor Possession of Marijuana in Madison County, Indiana and was sentenced to twenty-four (24) months of probation and suspension of her driver's license for one hundred and eighty (180) days. In October 2004, Applicant's convictions were reduced to class A misdemeanors and her probation was reduced to twelve (12) months. *Exhibit 4; Transcript 40-41.*

12. Regarding her April 2003 conviction, Applicant stated that she had been vacationing in Florida and upon her to Indiana her nephew was using her car to help a friend move. Marijuana and cocaine belonging to the friend were found in Applicant's car and Applicant was arrested. *Transcript p. 41-43.*

13. In addition to pleading guilty to possession of marijuana and cocaine, Applicant pled guilty to possession of a controlled substance, but testified that she did not know what the substance was. Applicant did not know how much cocaine and marijuana was in the car.

*Transcript p. 43-44.*

14. In February 2003, Applicant was defaulted in the foreclosure of her house and judgment was entered against her for over forty-two thousand dollars (\$42,000). Provident Bank sold Applicant's house. *Exhibit 5.*

15. In August 2004, Applicant was charged with Driving While Suspended, a Class A misdemeanor, in Pendleton (Indiana) Town Court. The charge was reduced to a No License in Possession. *Exhibit 6.*

16. Applicant's Indiana Official Bureau of Motor Vehicles (BMV) Driver Record shows that her Indiana driver's license has been suspended a total of eight (8) times between September 1996 and April 2003 for Chemical Test Failure, Operating Per Se, Failure to File Insurance, and Possession of Controlled Substance without Vehicle. *Exhibit 7.*

17. Applicant stated that she did not completely understand the question on the applicant that read, "Has a disciplinary action ever been taken against you by any public authority including a law enforcement agency?" Applicant acknowledged her failure to call someone at the Department to explain the meaning of the question. *Transcript p. 30-31.*

18. Applicant testified that she did know her driver's license had been suspended a couple of times, but did not disclose it on her application because she submitted her criminal history report and thought everything else was public record. She agreed that she should have disclosed the second driver's license suspension. *Transcript p. 33-34.*

19. Applicant testified that she should have checked her driver's license record to report her license suspensions on her bail agent license application. *Transcript p. 57.*

20. Applicant's Indiana State police Limited Criminal History report lists only an arrest in December 1997 by the Elwood (Indiana) Police Department for possession of Marijuana and Driving While Intoxicated, but those charges were dismissed. *Exhibit 8.*

21. Witness James Threet testified that he is a volunteer firefighter in Daleville, Indiana and that Applicant has assisted in various fundraising efforts for the fire department and other charities. *Transcript p. 15.*

22. Mr. Threet testified that he has known Applicant since 1997 or 1998. Although they are now simply friends, Applicant and Mr. Threet previously dated and lived together. *Transcript p. 18-19.*

23. Applicant testified that she worked with a neighbor to open a thrift store in order to raise money for Christmas for Kids and Pet Rescue charities. Christmas for Kids gives presents to underprivileged children during the holiday season. *Transcript pgs. 18-19.*

24. Applicant testified that she previously was granted a bail agent license in 2006 and had written bail bonds in 2007. However, she let the license expire in one year in order to pursue contracting work with Red Roof Inns. *Exhibit 1; Transcript p. 19-23 & p. 32.*

25. Applicant currently works three (3) nights per week in a bar and does contracting when jobs are available. She wants to obtain a bail agent license so she can quit her job as a bartender. *Transcript p. 64-65.*

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



## CONCLUSIONS OF LAW

27. The Commissioner of Insurance has jurisdiction over both the subject matter and the parties to this action. Ind. Code §§ 27-1-1-1, -2.

28. This hearing was held in compliance with the Administrative Orders and Procedures Act of the Indiana Code. Ind. Code §§ 4-21.5-3, *et seq.*

29. Service of process was completed via the use of the United States Mail in compliance with the statute and due process requirements. Ind. Code § 4-21.5-3-1(b).

30. Pursuant to Indiana Code § 27-10-3-8(a)(3), the Commissioner shall deny any license in which there was a material misstatement, misrepresentation or fraud in obtaining the license.

31. Applicant did not knowingly or intentionally withhold information from the Department but merely misunderstood the scope of the question. Applicant was simply unprepared and honestly believed the convictions did not need to be disclosed because of their age and the fact that they were public record.

32. Pursuant to Indiana Code § 27-10-3-3(a)(1), an applicant for a bail bond license must affirmatively show that she is of good moral character. Good moral character implies honesty and trustworthiness. Applicant was forthcoming about her suspensions and convictions when confronted with her bail license denial, demonstrating that she did not intend to hide her past difficulties from the Department.

33. Applicant has demonstrated good moral character by volunteering at events with the Daleville volunteer fire department and donating proceeds from her jointly owned thrift store to local charitable organizations. Furthermore, Applicant has no points on her driver's license and has not had her license suspended in over ten (10) years.

34. Applicant has met the burden of demonstrating that the Commissioner's prior decision to deny the application was in error.

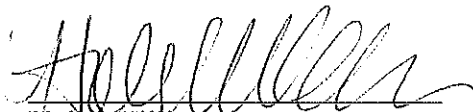
35. Findings of Fact that can be adopted as Conclusions of Law are hereby incorporated herein as such.

**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. The Preliminary Administrative Order and Notice of License Denial of March 26, 2013, should be overturned, granting Applicant's bail agent license application.
2. Applicant's bail agent license should be granted on a probationary basis for a period of one (1) year from the date of the Commissioner's Final Order.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 24<sup>th</sup> day of June, 2013.

  
Holly Williams  
Administrative Law Judge

Distribution:

Sandra L. Rigney  
14314 Daleville Road  
Daleville, IN 47334

Robert L. Hummel  
INDIANA DEPARTMENT OF INSURANCE  
311 W. Washington Street, Suite 103  
Indianapolis, IN 46204

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

Cause No.: 11942-AD13-0213-005

IN THE MATTER OF: )  
 )  
BAIL AGENT LICENSE )  
APPLICATION OF: )  
 )  
Saundra L. Rigney )  
14314 Daleville Road )  
Daleville, IN 47334 )

**FILED**

FEB 18 2013

STATE OF INDIANA  
DEPT. OF INSURANCE

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

The Indiana Department of Insurance, pursuant to the Indiana Administrative Act, Indiana Code §4-21.5-1 et seq., and Indiana Code §§27-10-3-3 and 27-10-3-8, hereby gives notice to Saundra L. Rigney (“Applicant”) of the following Administrative Order:

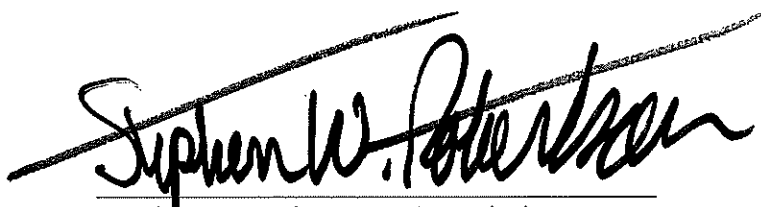
1. Applicant filed an application for bail agent licensure with the Commissioner of the Indiana Department of Insurance (“Commissioner”) on January 24, 2013. Following a review of materials submitted by Applicant in support of her application and further investigation by the Department, the Commissioner, being fully advised, now hereby notifies Applicant that she is not qualified for licensure under Indiana Code §§27-10-3-3(a) and 27-10-3-8(a)(3). Specifically, Applicant’s Indiana driver’s license was suspended on eight (8) occasions from 1996 to 2003, she had a conviction for Operating a Vehicle While Intoxicated in 1996, a default judgment against her for more than forty-two thousand dollars (\$42,000.00) in 2003, and she had convictions for Felony Possession of Cocaine, Felony Possession of a Controlled Substance, and Misdemeanor Possession of Marijuana in 2003 (the felonies were reduced to misdemeanors in 2004). Applicant has, therefore, failed to affirmatively show that she is of good moral character as required by Indiana Code §27-10-3-3(a). In addition, Applicant disclosed only one (1) driver’s license suspension and did not disclose the Operating a Vehicle While Intoxicated, Possession of

Cocaine, Possession of a Controlled Substance, and Possession of Marijuana convictions on her bail agent application. Applicant has, therefore, made material misstatements or misrepresentations on her bail agent license application in violation of Indiana Code §27-10-3-8(a)(3).

2. Under Indiana Code §4-21.5-3-7, if you wish to file a petition for review of the Preliminary Administrative Order and Notice of License Denial, you must do so in writing within fifteen (15) days after you receive notice of this Order. Submit your petition to the attention of Investigator Mike Herndon.

IT IS THEREFORE ORDERED that the Applicant's request for licensure is hereby DENIED pursuant to Indiana Code §§27-10-3-3 and 27-10-3-8.

SO ORDERED this 18<sup>th</sup> day of February, 2013.

A handwritten signature in black ink, reading "Stephen W. Robertson", is written over a horizontal line. The signature is cursive and somewhat stylized.

Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

Sandra L. Rigney  
14314 Daleville Road  
Daleville, IN 47334

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