

STATE OF INDIANA) BEFORE THE INDIANA
) SS: COMMISSIONER OF INSURANCE
COUNTY OF MARION)
CAUSE NUMBER:12276-AD13-0710-025

IN THE MATTER OF:)
)
Insurance Agent License) FILED
Application of:)
)
Curtis B. Parent,) FEB 21 2014
Applicant.)
3010 LBJ Freeway, Suite 1405) STATE OF INDIANA
Dallas, TX 75234) DEPT. OF INSURANCE

FINAL ORDER

On January 3, 2014, appointed Administrative Law Judge, Wade D. Fulford, 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 of Recommended Order on Applicant by mailing the same to his 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 August 1, 2013 is hereby reversed and Applicant shall be granted a non-resident insurance producer license after payment of an administrative penalty for his infractions.
2. Applicant shall pay an administrative penalty in the amount of six hundred dollars (\$600.00) within sixty (60) days after the date of this Final Order. Applicant's insurance producer license shall not be issued until the administrative penalty is satisfied.

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 21st day of February, 2014.



Stephen W. Robertson
Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

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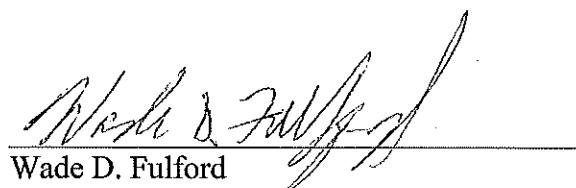
JAN 03 2013

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)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER:12276-AD13-0710-025

IN THE MATTER OF:)

Insurance Agent License)

Application of:)

Curtis B. Parent,)

Applicant.)

3010 LBJ Freeway, Suite 1405)

Dallas, TX 75234)

FILED

JAN 03 2013

STATE OF INDIANA
DEPT. OF INSURANCE

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND RECOMMENDED ORDER**

Administrative Law Judge, Wade D. Fulford (“ALJ Fulford”), having considered and reviewed all of the evidence, will now render a decision in the matter of Applicant Curtis B. Parent (“Applicant”) under Cause No. 12276-AD13-0710-025. This matter came to be heard on October 3, 2013, before ALJ Fulford 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 Hummel. Applicant, Curtis B. Parent, attended the hearing by telephone and was represented *pro se* in this matter. At the hearing, witnesses testified under oath, 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 hearing date and time set for September 17, 2013 at 1:00 p.m. by U.S. Certified Mail #9214 8901 0661 5400 0020 2035 86.

2. At Applicant's request, the Administrative Law Judge rescheduled the hearing for October 3, 2013 at 10.00 a.m.

3. The Department received Applicant's life, accident, and health insurance non-resident producer license application on April 25, 2013. *Exhibit 1, Transcript p. 17.*

4. Applicant answered "yes" to the question on the application concerning past criminal convictions but answered "no" to the question concerning involvement as a party to any administrative actions. *Exhibit 1.*

5. Applicant's license application was denied on August 1, 2013 by order of the Commissioner due to Applicant's failure to disclose two (2) administrative actions taken against him in other states on his application.

6. Applicant had previously applied for an Indiana non-resident insurance producer license on December 7, 2007 and answered "no" to the question on the application concerning past criminal convictions. *Exhibit 2.*

7. Applicant holds a resident insurance producer license in Texas. The Texas Department of Insurance submitted documents showing Applicant's criminal convictions in South Carolina. The convictions were for Public Drunkenness and Assault and Battery in 1996 and for Sex, Indecent Exposure and Bribery in 2000. *Exhibit 3.*

8. According to the two (2) Affidavits in the 2000 South Carolina case, Applicant exposed his private parts to an undercover police officer, asking the officer to

touch him, and later gave two (2) police officers seven thousand five hundred dollars (\$7,500.00) to drop the charge of Soliciting for Immoral Purposes and Indecent Exposure. *Exhibit 3.*

9. On May 21, 2001, Applicant plead guilty to charges of indecent exposure and bribing an official in cases 2001-G5-23-2592 and 2001-G5-23-2593, was convicted and received a total penalty of a two (2) year suspended sentence, three (3) years probation and two hundred dollars (\$200.00) in fines. *Exhibits 3 and 4.*

10. The Texas Department of Insurance took administrative action against Applicant fining him one thousand dollars (\$1,000.00) in August 2012 for answering "no" to the question concerning past criminal convictions on the license application submitted in Texas in 2006. The Texas Department of Insurance found that Applicant had been convicted of a felony, as would have been contemplated by the Texas Insurance Code § 4005.101(b)(8), that he had obtained a license by fraud or misrepresentation, and that he had engaged in fraudulent or dishonest acts or practices. *Exhibit 4.*

11. Applicant is also licensed in the Commonwealth of Virginia and the Virginia State Corporation Commission took administrative action against Applicant in April 2013 for his failure to disclose the Texas administrative action to the Commission within thirty (30) days, fining him five hundred dollars (\$500.00). *Exhibit 5.*

12. The NAIC RIRS regulatory actions database shows the action and effective dates of the Texas administrative action on August 9, 2012 and the Virginia administrative action and effective dates on April 15, 2013. *Exhibit 6.*

13. An NIPR database report printed on May 17, 2013 shows the South Carolina criminal actions reported and a subsequent NIPR database report printed on

September 5, 2013 shows the Texas administrative action reported on May 20, 2013.

Exhibit 7.

14. On June 10, 2013, Investigator Kim Green of the Enforcement Division, in an attempt to settle the issue of Applicant's failure to disclose the administrative actions in Texas and Virginia, prepared and mailed an Agreed Entry to Applicant which would have imposed a fine of five hundred dollars (\$500.00). *Exhibit 8.*

15. Applicant did receive the Agreed Entry and understood that if he signed the Agreed Entry and paid the fine, he would receive an Indiana insurance producer license. He did not sign the Agreed Entry because he did not want anything else on his record. *Transcript pp. 98-101.*

16. On July 23, 2013, Investigator Green sent Applicant a letter asking that he submit a criminal history from Indiana (later clarified to mean Texas) and a credit history report. *Exhibit 9.*

17. On August 19, 2013, the Department received Applicant's request for an administrative hearing to reconsider the denial of his insurance producer license application. *Exhibit 10.*

18. On September 17, 2013, the Department received Applicant's submission of his Texas Department of Public Safety Criminal History Search results showing no criminal records in that state. *Exhibit 11.*

19. Applicant testified that he is licensed in several states and was applying in several more, including Indiana, because Anthem Blue Cross wanted him to help explain the new Affordable Care Act to Anthem's customers. *Transcript pp. 10-11.*

20. Applicant testified that it was his administrative assistant who marked “no” in response to the question on the 2013 application about past criminal convictions and it was a mistake – although the 2013 application contained a “no” response to past administrative actions and it was the 2007 application where the response of “no” was made to the question about past criminal convictions. *Exhibits 1 and 2, Transcript p. 11.*

21. Applicant admitted that his “no” answer to the question on the 2013 license application about past administrative actions was not correct and that the correct answer should have been “yes.” *Transcript pp. 40-41.*

22. Applicant testified that he understood that answering questions on the application incorrectly is grounds for denial of his license application. *Transcript p. 42.*

23. Applicant testified that his “no” answer to the question about criminal convictions on the 2007 Indiana license application was correct because the convictions were “gone” at the time but now have come back. *Transcript pp. 43-44.*

24. Applicant testified that in the 2000 case in South Carolina, he “was actually using the bathroom out behind a bar outside,” was observed by an undercover police officer, and Applicant offered money to the officer so he would not be taken to jail. *Transcript pp. 25-26.*

25. Applicant denied that he offered the officer seven thousand five hundred dollars (\$7,500.00) as a bribe in the 2000 South Carolina case and that the amount was fifty dollars (\$50.00) or seventy-five dollars (\$75.00). *Transcript p. 58.*

26. Applicant testified that he was never told that the bribery charge was a felony. *Transcript p. 59.*

27. Applicant agreed that both the Texas and South Carolina Departments of Insurance say that he was convicted of a felony in 2001 resulting from the 2000 South Carolina case. *Transcript p. 76.*

28. Applicant testified that he has been in the insurance industry for thirteen (13) years and trained thousands of agents and maintains an A plus better business rating. Applicant also testified that he had no ongoing insurance department complaints other than related to the admission of previous guilty pleas in 1997 and 2001 on license applications. *Transcript pp. 13.*

29. Applicant testified that he believed that his prior South Carolina convictions had been expunged and that they were no longer on his record and required to be reported. *Transcript pp. 14, 44-47.*

30. The Administrative Law Judge has taken judicial notice of the South Carolina criminal statutes relating to indecent exposure and bribery. *Transcript pp. 73-74.*

31. Applicant testified that he believed he could get a statement from his attorney in South Carolina regarding the status of his South Carolina convictions, but that his past attorney was semi-retired. The Administrative Law Judge allowed Applicant ten (10) days to submit the statement by e-mail to Investigator Green. To date, Applicant has not submitted any such statement. *Transcript pp. 28-30, 114.*

32. Applicant denied being aware of the Virginia administrative action dated April 15, 2013 when he applied for the Indiana insurance producer license on April 25, 2013. *Transcript pp. 93-94.*

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 and 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. The records provided show that Applicant was convicted of bribery, a Class F felony, in South Carolina. That guilty plea resulted in a suspended sentence and probation of three (3) years and fines of Two Hundred Dollars (\$200.00).

5. 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.

6. Applicant failed to properly disclose his criminal convictions on his 2007 Indiana insurance producer license application and failed to properly disclose the administrative actions taken against him by Texas and Virginia on his 2013 Indiana insurance producer license application.

7. Ind. Code §27-1-15.6-12(b)(3) states that the Commissioner may refuse to issue an insurance producer license if the applicant has obtained or attempted to obtain a license through misrepresentation or fraud.

8. Applicant has been involved in the insurance industry for thirteen (13) years and maintained an insurance license and business without any significant consumer issues or known prior administrative actions. The Applicant's resident state of Texas has

previously fined Applicant One Thousand Dollars (\$1,000.00) for his similar violations.

The State of Virginia also fined Applicant Five Hundred Dollars (\$500.00) for the similar violations.

9. Applicant has met his burden of proof to show that the Commissioner's decision to deny the insurance nonresident producer license application should be reversed, but on balance an administrative penalty is warranted.

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

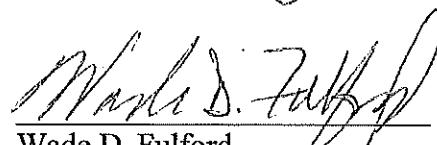
RECOMMENDED ORDER

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. The Preliminary Administrative Order and Notice of License Denial of August 1, 2013 should be reversed and Applicant should be granted a nonresident producer license after payment of the administrative penalty for his infractions.

2. Curtis B. Parent shall pay an administrative penalty in the amount of Six Hundred Dollars (\$600.00) within sixty (60) days of the Commissioners Final Order. The producer license shall not be issued until the administrative penalty is satisfied.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 3rd day of January, 2014.



Wade D. Fulford
Administrative Law Judge

Distribution:

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Indianapolis, IN 46204

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

IN THE MATTER OF:)
)
INSURANCE AGENT LICENSE)
APPLICATION OF:)
)
Curtis Parent)
3010 Lyndon B Johnson Fwy)
Dallas, TX 75234-7770)
)
Application ID: 363948)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
CAUSE NUMBER:12276-AD13-0710-025

FILED

AUG 01 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 § 27-1-15.6-12, hereby gives notice to **Curtis Parent** (“Applicant”) of the following Administrative Order:

1. Applicant filed an application for licensure with the Commissioner on or around April 25, 2013. Following a review of materials submitted by Applicant in support of his application, the Commissioner of the Indiana Department of Insurance, (“Commissioner”), being fully advised, now hereby notifies Applicant that the materials submitted indicate that Applicant has not fully met the requirements of licensure as stated by Indiana Code § 27-1-15.6-12(b), specifically, Applicant provided incorrect, misleading, incomplete, or materially untrue information in a license application by failing to disclose two (2) administrative actions.

2. Indiana Code § 27-1-15.6-12(d) provides that:

[i]f 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, in a writing sent through regular first class mail, of the reason for the denial of the applicant’s application or the non renewal of the licensee’s license. The applicant or licensee may, not more than sixty-three (63) days after notice of denial of the applicant’s application or non renewal of the licensee’s license is mailed, make written demand to the commissioner for a

hearing before the commissioner to determine the reasonableness of the commissioner's action. The hearing shall be held not more than thirty (30) days after the applicant or licensee makes the written demand, and shall be conducted under IC 4-21.5 and Indiana Code § 27-1-15.6-12(d).

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

8-1-13

Date Signed

Stephen W. Robertson

Stephen W. Robertson
Commissioner,
Indiana Department of Insurance

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