

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO. 12362-AD13-0717-065

INSURANCE AGENT LICENSE )  
APPLICATION OF: )

Dennis M. Jamison )  
132 W 600 S )  
Claypool, IN 46510 )

**FILED**

FEB 11 2014

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

On January 7, 2014, the appointed Administrative Law Judge, Meggan J. R. Brumbaugh, 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 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 reversed and Applicant is granted a probationary resident insurance producer license.
2. Applicant shall hold a probationary resident insurance producer license for a period of one (1) year. During this one (1) year probationary period, Applicant must report to the Department any arrests or convictions for any violation of law, except for minor traffic violations, within ten (10) days thereof.

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 11<sup>th</sup> day of February, 2014.



Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

Dennis M. Jamison  
132 W 600 S  
Claypool, IN 46510

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 NUMBER: 12362-AG13-0717-065

IN THE MATTER OF: )  
 )  
INSURANCE AGENT LICENSE )  
APPLICATION OF: )  
 )  
Dennis Jamison )  
132 W. 600 S. )  
Claypool, IN 46510 )  
 )  
Respondent, )  
 )  
Type of Agency Action: Enforcement )

**FILED**

JAN 07 2014

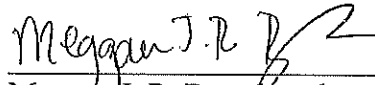
STATE OF INDIANA  
DEPT. OF INSURANCE

Application ID: 370121

**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 eighteen (18) days from the date stamped on this Order.

  
\_\_\_\_\_  
Meggan J. R. Brumbaugh  
Administrative Law Judge

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

Dennis Jamison  
132 W. 600 S.  
Claypool, IN 46510

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 12362-AG13-0717-065

IN THE MATTER OF: )  
 )  
INSURANCE AGENT LICENSE )  
APPLICATION OF: )  
 )  
Dennis Jamison )  
132 W. 600 S. )  
Claypool, IN 46510 )  
 )  
Respondent, )  
 )  
Type of Agency Action: Enforcement )

**FILED**

JAN 07 2014

STATE OF INDIANA  
DEPT. OF INSURANCE

Application ID: 370121

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

Administrative Law Judge Meggan J. R. Brumbaugh, having considered and reviewed all of the evidence, now renders a decision in the matter of the insurance producer license application of Dennis Jamison. This matter came to be heard by Meggan J. R. Brumbaugh, designated Administrative Law Judge, at 1:00 p.m. on October 8, 2013.

The Indiana Department of Insurance was represented by counsel, Robert L. Hummel. Respondent, Dennis Jamison, 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.

## FINDINGS OF FACT

1. On or about June 13, 2013, Respondent Dennis Jamison (“Applicant”) submitted an application for a resident insurance producer license with a credit qualification (the “Application”) to the Indiana Department of Insurance (“Department”). *Transcript of Proceedings at 41; Exhibit 1 at 1; Preliminary Administrative Order and Notice of License Denial at ¶ 1.*

2. Applicant answered “yes” in response to question 1 of the Application: “Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?” *Exhibit 1 at 2; Tr. of Proceedings at 42.*

3. On June 14, 2013, because of Applicant’s “yes” response to question 1 of the Application, the Department requested the following additional information and documentation: 1) a written statement explaining the circumstances of each incident; 2) a copy of the charging document; and 3) a copy of the official documents which demonstrate the resolution of the charge, meaning any final judgments or amendments. *Exhibit 3 at 2; Tr. of Proceedings at 48.*

4. On June 21, 2013, the Department received Applicant’s responses to the Department’s inquiries. The documentation provided by Applicant included a Judgment in a Criminal Case, which stated that the Applicant was found guilty of Possession of an Unregistered Sawed Off Shotgun. The Judgment was entered against Applicant on February 24, 2010, in the United States District Court in the Northern District of Indiana. *Exhibit 3 at 8.*

5. On August 1, 2013, the Commissioner of the Department (the “Commissioner”) issued a Preliminary Administrative Order and Notice of License Denial (“Notice of License Denial”). Applicant’s application was denied because the Commissioner found that Applicant had not fully met the requirements of licensure. Specifically, Applicant was convicted of a Class

E felony in February, 2010, for possession of an unregistered firearm in violation of Title 26, United States Code, Section § 5861(d). *Prelim. Admin. Order at ¶ 1.*

6. The Notice of License Denial also stated that, should Applicant make a written demand to the Commissioner within sixty-three (63) days after the Notice of License Denial was mailed, a hearing to determine the reasonableness of the Commissioner's action would be held no more than thirty (30) days after Applicant's demand. *Prelim. Admin. Order at ¶ 3.*

7. On September 15, 2013, Applicant timely filed his Notice of Demand for Request for Hearing. *Exhibit 5.*

8. On September 23, 2013, a Notice of Hearing was filed in this matter, which set a hearing date for October 8, 2013 at 1:00 p.m.

9. Notice of the date, time and issues to be heard in this matter was mailed to Applicant.

10. At the hearing, Applicant submitted a report obtained from the Indiana State Police, which does not reveal a limited criminal history record on Applicant. *Exhibit A.*

11. When questioned about previous convictions other than his felony conviction, Applicant testified that in March of 1993, he was celebrating his brother's birthday when he was arrested and charged with Driving While Intoxicated. The charge was later reduced to Reckless Driving, and Applicant entered a plea of guilty to the reduced charge. *Tr. of Proceedings at 42-43; Exhibit 7.*

12. The Department entered evidence that in April of 2002, Applicant was arrested and charged with Operating a Vehicle with a .08% Blood Alcohol Content. The charge was later reduced to Operating a Vehicle with a Specified Amount of Alcohol in the Body, and Applicant

entered a plea of guilty to the reduced charge. Applicant's license was suspended for three (3) months, and served three (3) months in jail. *Tr. of Proceedings at 59-60; Exhibit 8.*

13. Applicant specifically mentioned the 1993 incident but omitted the 2002 incident. Applicant testified that he was "confusing the two" incidents. *Tr. of Proceedings at 59.*

14. Applicant testified that in 2008, he discovered that his wife "had been keeping secret accounts, secret addresses, basically living an entire life with another person in great part on my funds and my credit." *Tr. of Proceedings at 15.*

15. Applicant's former wife had placed several credit cards in Applicant's name without his knowledge. The credit card debt of which Applicant was not aware totaled approximately eighty-one thousand dollars (\$81,000.00). *Tr. of Proceedings at 16; Exhibit C at 2.*

16. Applicant and his wife separated in February of 2009. *Exhibit C at 2.*

17. Applicant testified that after the separation, his wife told him she was "going to destroy [his] reputation, ruin [him] financially, and become as much of a problem in [his] life as she could be and set out to do so." *Tr. of Proceedings at 19.*

18. Applicant's wife turned in her grandfather's Crescent .12 gauge shotgun to the local sheriff's department and informed the authorities that the shotgun belonged to Applicant. *Tr. of Proceedings at 18-19.*

19. Applicant's wife inherited the shotgun from her grandfather, who carried it in World War I. *Tr. of Proceedings at 18-19.*

20. Applicant testified that while he is not a gun expert, before his wife surrendered the shotgun, he questioned whether the gun was legal based on the barrel length of the gun. *Tr. of Proceedings at 19.*

21. After consulting with two different attorneys on the legality of the shotgun and not getting clear answers, he was “content to let it stay in the box where it was with the rest of her grandfather’s war metals and other items that he had from the First World War, never thinking that would be an issue.” *Tr. of Proceedings at 19.*

22. Applicant was convicted for possession of an unregistered “firearm” under Title 26, Section 5861(d). The term “firearm” includes “a weapon made from a shotgun if such weapon as modified has an overall length of less than twenty-six (26) inches or a barrel of less than eighteen (18) inches in length.” *Exhibit 6 at 2.*

23. The firearm Applicant was convicted of possessing without properly registering was made from a shotgun. The firearm was only fourteen and one-half (14 ½) inches long and its barrel was eight and one-sixteenth (8 1/16) inches long. *Exhibit 6 at 2-3.*

24. Applicant received a three (3) year sentence, and served time in a federal prison camp in Ashland, Kentucky. *Tr. of Proceedings at 20.*

25. Applicant was initially assigned to landscaping duties at the federal prison camp in Ashland, Kentucky, but was relocated to the Education Department because of his history of teaching. *Tr. of Proceedings at 20-21.*

26. Applicant testified that historically, the Education Department at the prison camp graduated three (3) or four (4) inmates a year that were able to complete and pass the Kentucky State GED examination. *Tr. of Proceedings at 20.*

27. In Applicant’s twenty (20) months at the federal prison camp in Ashland, Kentucky, he graduated more than forty (40) inmates who received their Kentucky State GEDs. *Tr. of Proceedings at 21.*



28. Applicant was given two (2) Certificates of Appreciation from the Education Department of the federal prison camp in Ashland, Kentucky. One Certificate recognizes Applicant as “an invaluable member of [the] Education Department,” and the other was given “in appreciation for [Applicant’s] outstanding service and diligence as a GED Tutor in the Education Department. . .” *Tr. of Proceedings at 22-23; Exhibit D.*

29. Certificates of Appreciation are very rarely awarded, and Applicant believes he received the only two (2) that were awarded during his time at the federal prison camp in Ashland, Kentucky. *Tr. of Proceedings at 23.*

30. Applicant was also awarded a Certificate of Completion for successfully completing the requirements of Business Planning while serving time at the federal prison camp in Ashland, Kentucky. *Exhibit E.*

31. Applicant testified that will be on probation until October 4, 2014, at the latest. *Tr. of Proceedings at 36-37.*

32. Applicant’s credit report, compiled on September 27, 2013, shows a credit score of 633. According to Applicant’s experience in the finance industry, 633 “is not a great score.” *Tr. of Proceedings at 11; Exhibit B.*

33. Applicant testified that prior to his incarceration for the federal offense, all accounts under his name were “rated as 1, which is the best rating that they can be,” and there was “absolutely no history ever even of a late payment.” *Tr. of Proceedings at 13; Exhibit B.*

34. Applicant testified that he is currently employed at Fort Wayne Nissan, his mortgage is up-to-date, he is not behind on anything, and has “significant money in the bank right now.” *Tr. of Proceedings at 69-70.*

35. Applicant testified that he had previously held a resident insurance producer license with a credit qualification. The original issue date of Applicant's prior license was July 18, 2001. Applicant's prior license expired on July 31, 2011, due to nonrenewal. *Tr. of Proceedings at 42; Exhibit 2 at 1.*

36. Applicant testified that the reason he failed to renew his prior license was because he was in prison at the time his license expired. Applicant further testified that it was always his intention to apply for his license again when he was released from prison. *Tr. of Proceedings at 46.*

37. Kim Green, investigator for the Department, testified that Applicant had no complaints filed against him during the time he previously held an insurance producer license. *Tr. of Proceedings at 39.*

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

#### CONCLUSIONS OF LAW

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

40. 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.*

41. 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)

42. Pursuant to Ind. Code § 27-1-15.6-12(b), the Commissioner may refuse to issue an insurance producer license if the applicant has been convicted of a felony.

43. Through the admission of exhibits and Applicant's testimony, Applicant has provided satisfactory explanations regarding the circumstances of his felony conviction.

44. While incarcerated, Applicant worked to help more than forty (40) other inmates achieve a GED, which demonstrates Applicant's good character.

45. Applicant has demonstrated that he is working and promptly paying his bills, which also demonstrates Applicant's good character.

42. Applicant has met the burden of demonstrating, by a preponderance of the evidence, that the Commissioner's prior decision to deny the Application was in error.

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

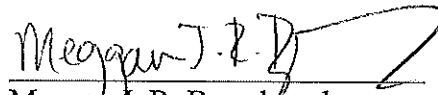
### **RECOMMENDED ORDER**

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 August 1, 2013, shall be reversed and Applicant shall be granted a probationary resident insurance producer license.

2. Applicant shall hold a probationary resident insurance producer license for a period of one (1) year. During this one (1) year probationary period, Applicant must report to the Department any arrests or convictions for any violation of law, except for minor traffic violations, within ten (10) days thereof.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to  
the Commissioner of Insurance this 6<sup>th</sup> day of January, 2014.

  
Meggan J. R. Brumbaugh  
Administrative Law Judge

Distribution:

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

Dennis Jamison  
132 W. 600 S.  
Claypool, IN 46510