

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

Cause No.: 12895-BB14-0312-001

IN THE MATTER OF:)
)
Jerald A. Adams,)
Respondent.)
)
3750 N. Gale Street)
Indianapolis, IN 46218)
)
Agency Action: Bail Agent Enforcement)
Bail Agent License #5539)

FILED

MAY 09 2014

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On April 22, 2014, 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 Respondent 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. 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.

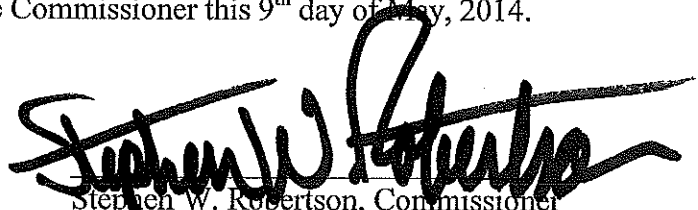
Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Respondent's bail agent license is to be reinstated.
2. Respondent is to pay a fine of two hundred dollars (\$200.00) within sixty (60) days.

Under Ind. Code §4-21.5-5-5, Respondent 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 9th day of May, 2014.



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Jerald A. Adams
3750 N. Gale Street
Indianapolis, IN 46218

Robert Hummel
Indiana Department of Insurance
Enforcement Division
311 West Washington Street, Suite 103
Indianapolis, IN 46204-2787

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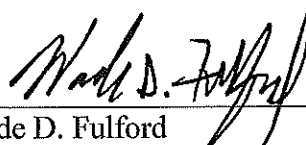
APR 22 2014

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

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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 Respondent Jerald A. Adams (“Respondent”) under Cause No. 12895-BB14-0312-001. This matter came to be heard on April 9, 2014, 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 L. Hummel. Respondent, Jerald A. Adams, attended the hearing and was represented *pro se* in this matter. At the hearing, Applicant testified under oath, witnesses were presented, 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. Respondent was properly notified of the above hearing date and time by U.S. Certified Mail #9214 8901 0661 5400 0030 2335 66.

2. Respondent testified that he has been a bail agent since September 2013. *Transcript p. 30.*

3. In a letter dated December 27, 2013, Respondent was notified by his general agents, Wendy Ramsey and Noreen Holmes, that they would no longer be general agents and he was to turn in all of his supplies and powers of attorney to them by January 15, 2014. *Exhibit 1.*

4. On January 27, 2014, the Division received a letter from Respondent's surety company, International Fidelity Insurance Company (also known as "AIA") that effective on January 21, 2014, Respondent was no longer appointed with that company. *Exhibit A.*

5. On January 28, 2014, the Division sent Respondent a letter to his home address informing him that, under Ind. Code §27-10-3-13, he must be re-appointed with another surety company or surrender his bail agent license within thirty (30) days. *Exhibit A.*

6. After not receiving a response from Respondent, on March 14, 2014, the Commissioner cancelled Respondent's bail agent license. *Exhibit A.*

7. On March 17, 2014, the Division received Respondent's written request for an administrative hearing to reconsider the cancellation of his bail agent license. *Exhibit B.*

8. Respondent testified that his appointment with AIA was cancelled. After that, Respondent contacted Jeff Walling (incorrectly named "Wallace" in the hearing transcript) and became re-appointed with AIA. *Transcript pp. 10-11.*

9. Respondent did receive the license cancellation order issued on March 14, 2014. *Transcript, p. 12.*

10. Respondent testified that he spent time trying to contact bail agent Mitch Pearce to see if Respondent could work for him but encountered several delays until he obtained a contract with Jeff Walling who writes for AIA. *Transcript pp. 19-23.*

11. Respondent testified that he did receive the letter dated December 27, 2013 from his former general agents. *Exhibit 1, Transcript p. 24.*

12. Respondent testified that he did receive the January 28, 2014 letter sent to him by the Division. *Exhibit A, Transcript p. 26.*

13. If Respondent regains his bail agent license, he would work for general agent Jeff Walling who operates out of Cleveland, Ohio, but has an office in Franklin, Indiana. *Transcript p. 29.*

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. Respondent's failure to timely respond to communication from the Division was a demonstration of incompetency on Respondent's part under Ind. Code §27-10-3-8(a)(7)(A).

5. Respondent has been a bail agent only since September 2013.

6. Respondent's conduct was a relatively minor infraction; therefore a fine would be more appropriate punishment rather than suspension or revocation of his bail agent license.

7. The Division has met its burden to show that the Commissioner's Cancellation of License Order was properly issued.

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

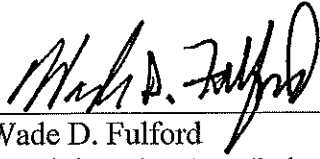
RECOMMENDED ORDER

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. Respondent's bail agent license should be reinstated, effective on the date of the Commissioner's Final Order.

2. Respondent should be assessed a fine of two hundred dollars (\$200.00), payable 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 22nd day of April, 2014.



Wade D. Fulford
Administrative Law Judge

Distribution:

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Indianapolis, IN 46218

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