

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER:12619-AD13-1125-034

IN THE MATTER OF: )  
 )  
Insurance Agent License )  
Application of: )  
 )  
Kami M. Vance )  
9681 Pine Ridge Drive N. )  
Zionsville, IN 46077 )

**FILED**

JUL 01 2014

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

On June 6, 2014, the appointed Administrative Law Judge, Amy Beard, 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 December 13, 2013 is affirmed, denying Applicant's insurance producer application.

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 July, 2014.

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

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

Administrative Law Judge, Amy L. Beard, (“ALJ”) having considered and reviewed all of the evidence, now renders a decision in the matter of the Insurance Producer License Application of Kami Vance under Cause Number 12619-AD13-1125-034. This matter came to be heard by the ALJ at the Indiana Department of Insurance, 311 West Washington Street, Indianapolis, Indiana, at 10:00 a.m. on March 5, 2014.

The Indiana Department of Insurance (“Department”) was represented at the hearing by counsel, Robert L. Hummel. The Petitioner, Kami Vance (“Petitioner”), appeared in person and without legal counsel. 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 ALJ now makes the following Findings of Fact, Conclusions of Law, and Recommended Order pursuant to Indiana Code § 4-21.5-3-27.

## FINDINGS OF FACT

1. On November 8, 2013, the Petitioner submitted an application for property and casualty insurance producer licensure ("Application") to the Department. *Exhibit 1 ("Ex. 1")*.
2. On December 13, 2013, the Commissioner issued a Preliminary Administrative Order and Notice of License Denial. The Commissioner denied the Petitioner's request under Indiana Code § 27-1-15.6-12(b)(6), because of the Petitioner's Class C Felony conviction in 2006 for child molesting. *Preliminary Administrative Order and Notice of License Denial ("Preliminary Admin. Order & Notice of License Denial")*.
3. On January 20, 2014, the Petitioner requested an administrative hearing to determine the reasonableness of the Commissioner's license denial decision. *Exhibit 3 ("Ex. 3")*.
4. On January 22, 2013, a Notice of Hearing was filed in this matter, which set a hearing date for February 5, 2014 at 10:00 a.m. On February 4, 2014, the administrative hearing was vacated due to inclement weather.
5. Due to inclement weather, the hearing was vacated. On February 7, 2014, a Notice of New Hearing Date was filed, which reset the hearing date for March 5, 2014 at 10:00 a.m.
6. In 2006, the Petitioner pleaded guilty to Class C Felony Child Molesting in Boone County Circuit Court. The Petitioner was sentenced to a six (6) year term at the Department of Corrections, with five (5) years suspended to probation. The Petitioner was permitted to serve the one (1) year executed portion of the sentence on electronically monitored home detention. *I.C. § 35-42-4-3(b); Exhibit 6 ("Ex. 6")*.

7. The Petitioner is a lifetime registered sex offender on the National Sex Offender Registry. *Exhibit 8 ("Ex. 8"); Exhibit 9 ("Ex. 9"); Transcript ("Tr.") p. 141-142.*

8. At the administrative hearing on March 5, 2014, the Department presented evidence of a Pre-Trial Diversion Agreement for Check Deception entered into by the Petitioner in 2003. *Exhibit 10 ("Ex. 10"); Tr. 143-146; I.C. § 35-43-5-5.*

9. Three (3) witnesses—Ms. Jamie Ball, Ms. Jennifer Woodward, and Mr. Casey Dehmer—testified in-person on behalf of the Petitioner. *Tr. 9, 12, 30, 48.*

10. Ms. Ball's husband is the pastor at the Petitioner's church. Ms. Ball testified that she has known the Petitioner for seven (7) years and knows the Petitioner to be responsible and trustworthy. The Petitioner has been in charge of several things at the church. *Tr. 9-10, 12.*

11. Ms. Woodward is the Petitioner's friend and testified that she has known her for ten (10) years. They first met each other at work; the Petitioner was Ms. Woodward's supervisor at Care Ambulance *Tr. 30, 39.*

12. Mr. Dehmer is the Petitioner's brother-in-law. He is a licensed insurance producer and has an Allstate agency. The Petitioner has worked for Mr. Dehmer for several years. Petitioner cleans and helps with some administrative duties such as billing, sending things to claims, and assisting people with claims and issues. *Tr. 48, 56-57.*

13. Upon review of the transcript and exhibits in this matter, confidential information was noticed. Any and all confidential information is stricken from the record.

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

### CONCLUSIONS OF LAW

1. The Commissioner of Insurance has jurisdiction over both the subject matter and the parties to this action. Ind. Code § 27-1-15.6-12.

2. This hearing was held in compliance with the Administrative Orders and Procedures Act of the Indiana Code ("Act"). I.C. § 4-21.5-3 *et. seq.*

3. Service of process was completed through use of the United States Postal Service in compliance with the Act and due process requirements. I.C. § 4-21.5-3-1(b).

4. Pursuant to I.C. § 27-1-15.6-12(b)(6), the Commissioner may refuse to issue an insurance producer license to a person for having been convicted of a felony.

5. The Petitioner was convicted of a Class C Felony in 2006 for child molesting.

6. The Petitioner is a lifetime registered sex offender on the National Sex Offender Registry.

7. The Petitioner has not met her burden of proof in demonstrating the unreasonableness of the Commissioner's Preliminary Administrative Order and Notice of License Denial..

8. 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 issued on December 13, 2013, shall be AFFIRMED.

2. The Petitioner's request for insurance producer licensure shall be DENIED.

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



Amy L. Beard  
Administrative Law Judge

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

The Enforcement Division of the Department of Insurance (“Division”), by counsel Robert L. Hummel, having participated in a hearing in this matter on March 5, 2014, submits the following proposed findings of fact, conclusions of law, and recommended order pursuant to Ind. Code §4-21.5-3-17.

**FINDINGS OF FACT**

1. Applicant was properly notified of the above referenced hearing date and time by U.S. Certified Mail #9214 8901 0661 5400 0028 3425 60.
2. The Department received Applicant’s property and casualty insurance producer license application on November 8, 2013. *Exhibit 1.*
3. Applicant’s license application was denied on December 13, 2013 by order of the Commissioner due to Applicant’s conviction of Child Molesting, a Class C felony, in 2006 in Boone County, Indiana.



4. On January 20, 2014, Applicant requested a hearing to reconsider the denial of her license and a hearing date was set for February 5, 2014. Due to inclement weather, the hearing was reset for March 5, 2014.

5. Applicant currently works for the Casey Dehmer Allstate Insurance agency in Carmel, Indiana and has worked there since January 2012. *Exhibit 1.*

6. On December 6, 2013, the Division sent Applicant a letter asking her to submit a current and complete Indiana State Police criminal history report and a full credit history report. *Exhibit 2.*

7. January 20, 2014, Applicant requested an administrative hearing to reconsider the preliminary denial of her insurance producer license application. *Exhibit 3.*

8. On February 21, 2014, Applicant submitted her Indiana State Police Criminal History Record which showed an arrest on May 25, 2005 and a conviction for Child Molesting, a Class C felony, in Boone County, Indiana. *Exhibit 4.*

9. On January 22, 2014, the Division received the Probable Cause Affidavit for Applicant's Boone County case which stated that in October 2000, Applicant knowingly and intentionally performed oral sex with an eight (8) year old victim and that in prior interviews, Applicant admitted same. *Exhibit 5.*

10. On March 16, 2006, Applicant reached a plea agreement in her criminal case where she pled guilty to Child Molesting, a Class C felony, and was sentenced to six (6) years at the Department of Corrections with five (5) years suspended, five (5) years probation, and one year of electronically monitored home detention. *Exhibit 6.*

11. A copy of the Court View case summary of Applicant's criminal case was entered into evidence. *Exhibit 7.*

12. Jamie Ball, witness for Applicant, testified that her husband is pastor of the church that Applicant attends, she has known Applicant for seven (7) years, that Applicant has been in charge of several things at the church, and Ms. Ball knows Applicant to be responsible and trustworthy. *Transcript p. 9.*

13. Ms. Ball stated that she knew about Applicant's felony conviction and testified that Applicant has grown both as a person and as a parent. *Transcript p. 10.*

14. Ms. Ball testified that Applicant was upfront about her criminal past, and her limitations due to that conviction, as soon as she joined the church. *Transcript p. 14.*

15. Ms. Ball testified that if Applicant was asked to do work with the children's department of the church, Applicant would remind Ms. Ball that because of her conviction, she could not do that sort of work. *Transcript p. 17.*

16. Ms. Ball testified that Applicant went to Haiti for a week with the church on a mission trip. *Transcript p. 21.*

17. Ms. Ball testified that Applicant has been in charge of the church's thrift store in Sheridan, Indiana, including handling the money. *Transcript p. 23.*

18. Ms. Ball testified that Applicant also volunteers in guest services for the church as a greeter. *Transcript p. 27.*

19. Jennifer Woodward, witness for Applicant, testified that she has known Applicant for ten (10) years and that Applicant was her boss when they worked together at Care Ambulance. *Transcript p. 30.*

20. Casey Dehmer, witness for Applicant, is a licensed resident insurance producer and has an Allstate agency. He testified that Applicant has worked in the office for several years. Mr. Dehmer is married to Applicant's sister. *Transcript pp. 48-49*

21. Mr. Dehmer has been licensed as both a property and casualty and life, accident, and health insurance producer since 2007, has one (1) other licensed producer in his office, and two (2) part time, unlicensed persons, including Applicant, working there. *Transcript pp. 55-56.*

22. Mr. Dehmer testified that Applicant performs billing and customer service duties in his agency. *Transcript p. 56.*

23. Mr. Dehmer testified that he has no reservations about leaving his children with Applicant. *Transcript p. 60.*

24. Applicant testified that her daughter, Kimberly, was never taken from her, even after her felony conviction and during her home detention and probation. *Transcript p. 69.*

25. Marriage and Family Therapist Elaine Smith testified in a deposition conducted on September 20, 2005 that Applicant had been open and honest with therapist Tracy Vaughn concerning the circumstances relating to the molestation incident even at the risk of putting herself in legal jeopardy. *Exhibit A, Transcript pp. 78-79.*

26. During the deposition, when Therapist Smith was asked if she thought Applicant was someone who was likely to re-offend, she answered, "no." *Exhibit A, Transcript pp. 79-80.*

27. Applicant testified that she has not had any violations of probation or home detention. *Transcript p. 84.*

28. In addition to Vance, her current married name, Applicant has used the last names of Newton, her maiden name, and Bayless, her last name when she was married to Mike Bayless. *Transcript p. 80.*

29. Applicant testified that she received an EMT certificate at Indiana University – Kokomo. *Transcript p. 101.*

30. Applicant currently works approximately forty (40) hours per week at Casey Dehmer's insurance agency. *Transcript p. 109.*

31. Applicant admitted that she did perform oral sex on her husband's eight (8) year old son in October 2000. *Transcript pp. 123-124.*

32. Applicant's husband at the time, Mike Bayless, would arrange for other men to come to their house and have sex with Applicant while he watched. Applicant and her husband were part of a "swing club" and Applicant did not think what they were doing was wrong at that time. *Transcript pp. 126-127.*

33. Applicant testified that she has no contact with either her ex-husband or with his two (2) children. *Transcript pp. 133-134.*

34. Applicant's name and picture appear on the National Sex Offender database with addresses in Zionsville, Indiana and Benton, Tennessee and on the Tennessee Bureau of Investigation database with an address in Benton, Tennessee. *Exhibits 8 and 9.*

35. Applicant testified that the reason her name and picture appear on the National Sex Offender and Tennessee Bureau of Investigation databases with a Tennessee address is because she vacationed in Tennessee for a week and was required to report that information. *Transcript pp. 138-139.*

36. Applicant testified that although Exhibit 9 indicates that she is classified as a violent offender, there was no violence involved in the crime she committed. She

thought the classification was heightened due to the age of the victim. *Transcript pp. 141-142.*

37. In March 2003, Applicant was charged with the crime of check deception in Boone County, Indiana in the amount of two hundred and twelve dollars (\$212.00). The charge was dismissed after Applicant completed a pre-trial diversion agreement. *Exhibit 10.*

38. Applicant testified that she thought the check deception charge involved a rent payment but she was not sure. *Transcript pp. 143-146.*

39. Applicant's credit report shows a "poor" score of 503. *Exhibit 11.*

40. Applicant testified that her credit score is so low because she does not use credit cards and she instead tries to pay for everything in cash. *Transcript pp. 147-149.*

#### **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. 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.

5. Although Applicant has made good progress towards becoming a trustworthy individual, there are serious aggravating factors that must be considered

including the nature of her felony, the age of the victim, and the position of trust Applicant had as an adult in the household at the time of the crime.

6. Applicant has failed to meet her burden of proof to show that the Commissioner's decision to deny the insurance producer license application should be reversed.

7. 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 December 13, 2013 should be upheld, denying Applicant's insurance producer license application.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this \_\_\_\_\_ day of April, 2014.

\_\_\_\_\_  
Amy L. Beard  
Administrative Law Judge

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