

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

Cause No.: 12744-AD14-0110-001

IN THE MATTER OF:)
)
BAIL AGENT LICENSE)
APPLICATION OF:)
)
Bryan D. Corns)
82 W. Clear Lake Lane)
Westfield, IN 46074)

FILED

JUL 11 2014

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On June 9, 2014, the appointed Administrative Law Judge, Amy L. 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 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:

STATE OF INDIANA)
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COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 12744-AD14-0110-001

IN THE MATTER OF:)
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Insurance Producer License)
Application of:)
)
Bryan D. Corns)
82 West Clear Lake Lane)
Westfield, Indiana 46074)
)
Petitioner.)

FILED


JUN 09 2014

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 Recommended 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 Indiana Department of Insurance, within eighteen (18) days from the date stamped on this Recommended Order.


Amy L. Beard
Administrative Law Judge

Distribution:

Bryan D. Corns
82 W. Clear Lake Lane
Westfield, Indiana 46074

Robert L. Hummel, Attorney
Indiana Department of Insurance
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204

STATE OF INDIANA)
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JUN 09 2014

STATE OF INDIANA
DEPT. OF INSURANCE

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 Bryan D. Corns under Cause Number 12579-AD13-1119-033. 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 12, 2014.

The Indiana Department of Insurance ("Department") was represented at the hearing by counsel, Robert L. Hummel. The Petitioner, Bryan D. Corns ("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 December 20, 2013, the Petitioner submitted an application for a bail agent license to the Department ("Application"). *Exhibit 2 ("Ex. 2")*.

2. The Petitioner answered "yes" to question three (3) on the Application, which states, "Has your driver's license ever been suspended?" Next to his answer, the Petitioner wrote "Failure to pay traffic ticket." *Ex. 2*.

3. The Petitioner's Official Driver Record from the Indiana Bureau of Motor Vehicles shows the following driver's license suspensions: Failure to Appear effective November 1996; Failure to File Insurance effective March 1997; Failure to Pay Speeding Ticket August 2008; Failure to File Insurance October 2012; Failure to File Insurance Repeat Violation December 2012; Driving While Suspended December 2012; and Failure to Appear for Driver Safety Program March 2013. *Exhibit 4 ("Ex. 4")*.

4. On February 11, 2014, the Commissioner issued a Preliminary Administrative Order and Notice of License Denial. Investigation by the Department revealed that the Petitioner had six (6) driver's license suspension since November 1996. The Commissioner found that the Petitioner made a material misstatement, misrepresentation, or fraud in obtaining a license in violation of Indiana Code section 27-10-3-3(a)(1), and that the Petitioner failed to show that he is of good moral character as required under section 27-10-3-8(a)(3). *Preliminary Administrative Order and Notice of License Denial ("Preliminary Admin. Order & Notice of License Denial")*.

5. On February 20, 2014, the Petitioner requested a hearing to determine the reasonableness of the Commissioner's decision. *Exhibit 1 ("Ex. 1")*.

6. On February 28, 2014, a Notice of Hearing was filed in this matter, which set a hearing date for March 12, 2014 at 9:30 a.m.

7. The Petitioner maintained that he does not think the prior driving suspensions are a poor reflection of a person's moral character. The Petitioner was not trying to be deceptive or mislead anybody. He spent about a minute and a half filling out his Application. *Transcript ("Tr. ") p. 9-10, 39.*

8. The Petitioner does not remember the events surrounding his Failure to Appear in 1996 or the Failure to File Insurance in 1997. *Tr. 48-50.*

9. In October 2012, the Petitioner was stopped for driving a vehicle that he had purchased. The Petitioner did not have insurance or a license. As a result, his driver's license was suspended for approximately three (3) months. *Tr. 50-52.*

10. The Petitioner did not indicate on his Application that a reason for his driver's license suspension was for not having insurance. *Tr. 50-52.*

11. The Petitioner was a police officer in Naples, Florida from 1997 until 2006. The Petitioner currently works as a private investigator in Indiana. *Tr. 61-62.*

12. 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 § 27-10-3.

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. § 27-10-3-8(a)(3), the Commissioner shall deny any recovery agent license if there is a material misstatement, misrepresentation, or fraud in obtaining the license.

5. The Petitioner marked "yes" in response to question three (3) on his Application, which asked "Has your driver's license ever been suspended?" His explanation next to his answer was "Failure to pay traffic ticket" was misleading because his license had been suspended several other time for multiple other reasons including: Failure to Appear; Failure to File Insurance; Failure to File Insurance Repeat Violation; Driving While Suspended; and Failure to Appear for Driver Safety Program.

6. The Petitioner's response question three (3) on his Application concerning driver's license suspensions was a material misstatement or misrepresentation under I.C. § 27-10-3-8(a)(3), a failure to affirmatively show that he is of good moral character as required under I.C. § 27-10-3-3(a)(1), and is grounds for denial of his Application.

7. The Petitioner has not met his burden of proof in demonstrating that the Commissioner's Preliminary Administrative Order and Notice of License Denial should be overturned.

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

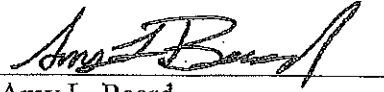
RECOMMENDED ORDER

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 February 11, 2014, shall be AFFIRMED.

2. The Petitioner's request for bail agent licensure shall be DENIED.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 9th day of June 2014.



Amy L. Beard
Administrative Law Judge

Distribution:

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