

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO. 12821-AD14-0226-006

INSURANCE AGENT LICENSE
APPLICATION OF:

Jennifer Cox
6742 W. US Highway 40
Reelsville, IN 46171

FILED

JUL 18 2014

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On June 25, 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 filed on March 7, 2014 is affirmed.
2. Applicant's request for a property and casualty insurance producer license is denied.
3. Applicant's request for a life, accident, and health insurance producer license is denied.

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 18th day of July, 2014.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Jennifer Cox
6742 W. US Highway 40
Reelsville, IN 46171

Robert L. Hummel, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204

STATE OF INDIANA)
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COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 12821-AD14-0226-006

IN THE MATTER OF:

Insurance Agent License
Application of:

Jennifer Cox
6742 W US Highway 40
Reelsville, Indiana 46171

Petitioner.

FILED
JUN 25 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 Jennifer Cox under Cause Number 12821-AD14-0226-006. This matter came to be heard by the ALJ at the Indiana Department of Insurance, 311 West Washington Street, Indianapolis, Indiana, at 9:30 a.m. on March 27, 2014.

The Indiana Department of Insurance ("Department") was represented at the administrative hearing by counsel, Robert L. Hummel. The Petitioner, Jennifer Cox, ("Petitioner") appeared in person and without legal counsel. At the administrative 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 section 4-21.5-3-27.

FINDINGS OF FACT

1. On January 28, 2014, the Petitioner submitted an application for a property and casualty insurance producer license ("Application") to the Department. In March 2014, the Petitioner updated her Application to also request a life, accident, and health insurance producer license. *Exhibit 1 ("Ex. 1"); Transcript ("Tr.") p. 42.*

2. On March 7, 2014, the Commissioner issued a Preliminary Administrative Order and Notice of License Denial. Specifically, the Commissioner denied the Petitioner's request under Indiana Code section 27-1-15.6-12(b)(6) because the Petitioner was convicted of Felony Battery Resulting in Serious Bodily Injury in 2010. *Preliminary Administrative Order and Notice of License Denial ("Preliminary Admin. Order & Notice of License Denial").*

3. On March 13, 2014, the Petitioner requested a hearing to determine the reasonableness of the Commissioner's decision. An administrative hearing in this matter was held on March 27, 2014 at 9:30 a.m. *Exhibit 2 ("Ex. 2"); Notice of Hearing.*

4. On January 14, 2010, the Petitioner pleaded guilty to a Class B Felony for Battery Resulting in Serious Bodily Injury to a Person Less than 14 Years of Age. The Petitioner was sentenced to six (6) years imprisonment with 180 days executed, and 2010 days suspended to 365 days on home detention, 730 days on active, supervised probation, and 915 days on inactive, unsupervised probation. *Tr. p. 62, 80-84; Exhibit A ("Ex. A"); Exhibit 4 ("Ex. 4").*

5. The events surrounding the Petitioner's 2010 Class B Felony conviction occurred in May 2009. The Petitioner was operating an in-home child daycare, and she shook a three (3) month-year-old baby who was under her care. The infant started to have a seizure, and was taken to Riley Hospital where he diagnosed with Shaken Baby Syndrome. The baby had

sustained three (3) separate acute skull fractures with bleeding between the skull and the brain. *Tr. p. 48-53, 62, 73, 86; Exhibit C ("Ex. C"); Exhibit 3 ("Ex. 3").*

6. From May 2009 until January 2010, the Petitioner attended anger management classes at Nonviolent Alternatives. The Petitioner voluntarily sought anger management help because she wanted to understand her actions and "never let it happen again." *Exhibit B ("Ex. B"); Tr. p. 36-39.*

7. The Petitioner still is serving the inactive probation portion of her sentence, which will continue until October 13, 2015. *Ex. A; Tr. 84.*

8. At the administrative hearing, the Petitioner's husband, Aaron Cox, testified as a witness on behalf of the Petitioner. The Petitioner and her husband have been married for two (2) years. *Tr. p. 15.*

9. The Petitioner submitted eight (8) letters of recommendation into evidence. The letters were written by: Richard Hughes, the Petitioner's Probation Officer; Shan Rutherford, minister at Greenwood Christian Church; Randall Montgomery, President of an insurance school; Heather Taylor, insurance producer and Owner of Heather Taylor State Farm Insurance; Bill Cox, the Petitioner's husband's cousin and store manager of Bed, Bath, and Beyond; Mona Hutcheson, staff coordinator at Little Lambs Child Care Ministry; Andrew Coombs, the Petitioner's friend since high school; and Mark Weidner, the Petitioner's father. *Tr. p. 15-36.*

10. The Petitioner has been working part-time at Heather Taylor State Farm Insurance since February 2014. She is responsible for receptionist-type duties such as answering the telephone and filing. *Tr. p. 28-29.*

11. 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 having been convicted of a felony.

5. The Petitioner was convicted of a Class B Felony for Battery Resulting in Serious Bodily Injury to a Person Less than 14 Years of Age in 2010.

6. The victim of the felony was a three (3) month-year-old baby. The Petitioner was operating her in-home daycare when she shook the three (3) month-year-old infant, which resulted in the baby having a seizure.

7. Moreover, it has been only approximately four (4) years since the Petitioner's felony conviction in 2010. The Petitioner still is serving the inactive probation portion of her sentence, which is in effect until October 13, 2015.

8. While the Petitioner produced evidence showing that she voluntarily attended anger management classes and she submitted eight (8) letters of recommendation written by other persons on her behalf, this evidence does not outweigh the Petitioner's Class B Felony conviction in 2010 for Battery Resulting in Serious Bodily Injury to a Person Less than 14 Years of Age.

9. The Petitioner has not met her burden of proof in demonstrating that the Commissioner's Preliminary Administrative Order and Notice of License Denial was in error.


10. 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 filed on March 7, 2014, shall be AFFIRMED.
2. The Petitioner's request for Property and Casualty insurance producer licensure shall be DENIED.
3. The Petitioner's request for Life, Accident, and Health insurance producer licensure shall be DENIED.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 25th day of June 2014.


Amy L. Beard
Administrative Law Judge

Distribution:

Jennifer Cox
Petitioner
6742 W US Highway 40
Reelsville, Indiana 46171

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

STATE OF INDIANA)
) SS:
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BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

Cause No.: 12821-AD14-0226-006

IN THE MATTER OF:)
)
INSURANCE AGENT LICENSE)
APPLICATION OF:)
)
Jennifer Cox,)
 Applicant.)
1285 S. Jackson Street, Suite C)
Greencastle, IN 46135)

FILED

MAR 07 2014

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 Jennifer Cox ("Applicant") of the following Administrative Order:

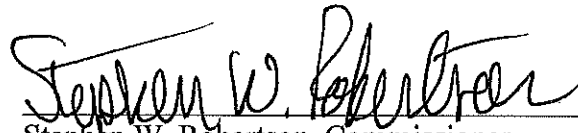
1. Applicant filed an application for licensure with the Commissioner on January 28, 2014. Following a review of materials submitted by Applicant in support of her application, the Commissioner of the Indiana Department of Insurance, ("Commissioner"), being fully advised, now hereby notifies Applicant that she has not fully met the requirements of licensure as stated by Indiana Code §27-1-15.6-12(b)(6). Specifically, Applicant was convicted of Felony Battery Resulting in Serious Bodily Injury in 2010.

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 Indiana Code §4-21.5.

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

3-7-14
Date Signed


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

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CERTIFIED MAIL RECEIPT: 9214 8901 0661 5400 0029 1943 35