

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

Cause No.: 12855-AD14-0304-010

IN THE MATTER OF: )  
 )  
BAIL AGENT LICENSE )  
RENEWAL APPLICATION OF: )

Sabine McCart )  
155 N. Alabama Street )  
Indianapolis, IN 46204 )

**FILED**

JUL 11 2014

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

On June 9, 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 business 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:

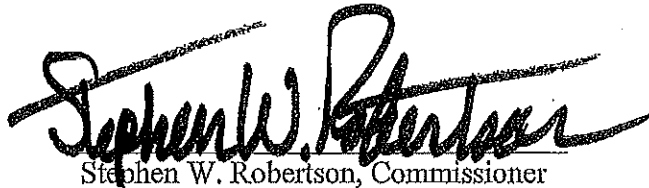
IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. The Preliminary Administrative Order and Notice of License Denial of March 7, 2014 is overturned.

2. Applicant's request for renewal of her bail agent license is granted.

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 July, 2014.

A handwritten signature in black ink, reading "Stephen W. Robertson". The signature is written in a cursive style with a large, sweeping initial "S".

Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

Sabine McCart  
155 N. Alabama Street  
Indianapolis, IN 46204

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

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BEFORE THE INDIANA  
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Cause No.: 12855-AD14-0304-010

IN THE MATTER OF: )  
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Bail Agent License Renewal )  
Application of: )  
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Sabine McCart )  
155 N. Alabama Street )  
Indianapolis, IN 46204 )

**FILED**

JUN 09 2014


STATE OF INDIANA  
DEPT. OF INSURANCE

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**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:

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155 N. Alabama Street  
Indianapolis, IN 46204

Robert L. Hummel, Attorney  
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 Sabine McCart under Cause Number 12855-AD14-0304-010. 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 April 10, 2014.

The Indiana Department of Insurance (“Department”) was represented at the hearing by counsel, Robert L. Hummel. The Petitioner, Sabine McCart (“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 September 30, 2013, the Petitioner submitted an application for renewal of her bail agent license ("Application"). *Exhibit 2 ("Ex. 2")*.

2. The Petitioner's bail agent license was originally issued on October 1, 2003 and expired on September 30, 2013. *Exhibit 1 ("Ex. 1"), Transcript ("Tr.") p. 11.*

3. On the questionnaire portion of the application, the Petitioner answered "Yes" to the question, "Do you have any outstanding State or Federal tax liens or warrants?" *Ex. 2.*

4. The Department's Bail Bond Division sent a letter to the Petitioner, which was dated October 3, 2013. The letter notified the Petitioner of her outstanding State tax liability. The letter provided, in part, "Before we process your renewal application, you must resolve these issues with the DOR. Failure to do so may result in the Commissioner denying your license renewal application." *Exhibit 3 ("Ex. 3")*.

5. In early January 2014, the Petitioner received a telephone call from the Department's Bail Bond Division Secretary, Linda Reynolds, telling the Petitioner to take care of her tax liability as soon as possible. The Petitioner told Ms. Reynolds that she was having financial hardship and was trying to take care of the tax liability. *Tr. p. 18-19.*

6. On February 28, 2014, Robert L. Hummel, attorney for the Department's Bail Bond Division, sent an email to the Indiana Department of Revenue ("IDOR") inquiring about the Petitioner's outstanding tax liability. The IDOR confirmed that the Petitioner's account had a balance due. *Exhibit 4 ("Ex. 4")*.

7. On March 7, 2014, the Commissioner issued a Preliminary Administrative Order and Notice of License Renewal Denial. Pursuant to Indiana Code § 27-10-3-8(a)(8), the Commissioner refused to renew the Petitioner's bail agent license for having an outstanding state

tax warrant. *Preliminary Administrative Order and Notice of License Denial* (“*Preliminary Admin. Order & Notice of License Denial*”).

8. On March 13, 2014, the Petitioner submitted a License Clearance letter from the IDOR stating that the protest of the Petitioner’s license by the IDOR had been satisfied. *Exhibit 6* (“*Ex. 6*”).

9. On March 14, 2014, the Petitioner requested a hearing to determine the reasonableness of the Commissioner’s decision. *Exhibit 5* (“*Ex. 5*”).

10. On March 17, 2014, a Notice of Hearing was filed in this matter, which set a hearing date for April 10, 2014, at 9:30 a.m.

11. On April 9, 2014, Robert L. Hummel, attorney for the Department’s Bail Bond Division, sent an email to the Indiana Department of Revenue (“IDOR”) asking whether the Petitioner’s tax liability had been satisfied. The IDOR confirmed that the Petitioner’s account was clear. *Exhibit 7* (“*Ex. 7*”).

12. At the administrative hearing on April 10, 2014, the Petitioner testified that at the time she submitted her Application, she owed State taxes because she was not financially able to pay. The Petitioner had been making payments to the Sheriff’s office to take care of her outstanding State tax liability. *Tr. p. 8-9, 16.*

13. The Petitioner currently works as a licensed bail agent in Indiana. She has been a licensed bail agent in Indiana since 2003. *Tr. 13.*

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

### CONCLUSIONS OF LAW

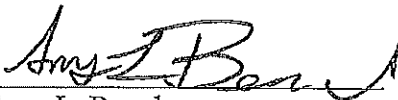
1. The Commissioner of Insurance has jurisdiction over both the subject matter and the parties to this action. Ind. Code § 27-10-3.
2. This hearing was held in compliance with the Administrative Orders and Procedures Act of the Indiana Code ("Act"). I.C. § 4-21.5-3 *et. seq.*
3. Service of process was 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)(8), the Commissioner shall refuse to renew any bail agent license for the "listing of the name of the applicant or licensee on the most recent tax warrant list supplied to the commissioner by the department of state revenue."
5. On the questionnaire portion of the application, the Petitioner was truthful and answered "Yes" to the question, "Do you have any outstanding State or Federal tax liens or warrants?"
6. The Petitioner was truthful on her Application. She did not try to hide her tax liability or mislead the Department.
7. The Petitioner was not financially able to pay her State tax liability at the time owed. The Petitioner paid her outstanding State tax liability before the administrative hearing, and she received a clearance letter from the IDOR on March 13, 2014.
8. The Petitioner has met her burden of proof in demonstrating that the Commissioner's Preliminary Administrative Order and Notice of License Denial should be overturned.
9. 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 March 7, 2014, shall be overturned.
2. The Petitioner's request for renewal of her bail agent license renewal shall be GRANTED.

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:

Sabine McCart  
155 N. Alabama Street  
Indianapolis, IN 46204

Robert L. Hummel, Attorney  
Indiana Department of Insurance  
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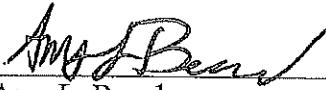
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**NOTICE OF FILING OF RECOMMENDED ORDER**

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.

  
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Administrative Law Judge

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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 Sabine McCart under Cause Number 12855-AD14-0304-010. 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 April 10, 2014.

The Indiana Department of Insurance (“Department”) was represented at the hearing by counsel, Robert L. Hummel. The Petitioner, Sabine McCart (“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

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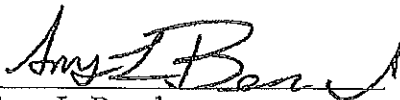
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4. Pursuant to I.C. § 27-10-3-8(a)(8), the Commissioner shall refuse to renew any bail agent license for the "listing of the name of the applicant or licensee on the most recent tax warrant list supplied to the commissioner by the department of state revenue."
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9. 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 March 7, 2014, shall be overturned.
2. The Petitioner's request for renewal of her bail agent license renewal shall be GRANTED.

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

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