

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 12757-AD14-0123-003

IN THE MATTER OF:

Insurance Producer License
Application of:

Keith A. Hoskins
1205 Orchard Street
Fort Wayne, Indiana 46808

Applicant

FILED

JAN 16 2015

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On November 26, 2014, the 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 Recommended Order on Applicant by mailing the same to his home address of record.

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. The Preliminary Administrative Order and Notice of License Denial of January 29, 2014 is reversed, and the Applicant is GRANTED a probationary life, accident, and health insurance producer license for a period of two (2) years.
2. During the two (2) year probationary period, the Applicant is to report to the Department any arrests or convictions for any violation of law, except for minor traffic violations, within ten (10) days.
3. During the two (2) year probationary period, the Applicant shall immediately notify the Department if he is terminated or voluntarily leaves any employment that requires him to hold an insurance producers license. Such notice is to include the reason for the separation and his intention to stay in or leave the insurance business.

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 16th day of January, 2015.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Keith A. Hoskins
1205 Orchard Street
Fort Wayne, IN 46808

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

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Cause Number: 12757-AD14-0123-003

IN THE MATTER OF:)

Keith A. Hoskins)
1205 Orchard Street)
Fort Wayne, IN 46808)

Applicant.)

Type of Agency Action:)
Enforcement)

Application ID: 404847)

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JUL 07 2014

STATE OF INDIANA
DEPT. OF INSURANCE

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

Pursuant to Ind. Code 4-21.5-3-17(b), the Enforcement Division of the Indiana Department of Insurance (the "Department"), by counsel, Michael F. Mullen, having participated in the matter of Applicant Keith A. Hoskins ("Applicant"), which came to be heard on April 2 and June 4, 2014, at the Indiana Department of Insurance, 311 West Washington Street, Indianapolis, Indiana 46202, now submits its Proposed Findings of Fact, Conclusions of Law and Recommended Order as follows:

FINDINGS OF FACT

1. Applicant, a Fort Wayne resident, submitted an application for an insurance producer license on or about January 7, 2014. (Exhibit 4 at p. 1).
2. On January 29, 2014, the Department mailed a letter to Applicant indicating that he would be receiving a Preliminary Administrative Order and Notice of License Denial. (Exhibit 1).

3. On February 11, 2014, the Commissioner issued said Preliminary Administrative Order and Notice of License Denial (the "Denial Order"). Per the Denial Order, Applicant's request for licensure was denied because he has been convicted of three (3) separate felonies. Specifically, in 2001, Applicant pled guilty to Battery, a class C Felony, and Residential Entry, a Class D Felony, in Allen County, Indiana. (Ex. 4 at pp. 4—7). Additionally, in 2009, Applicant pled guilty to a federal felony charge of Conspiracy to Possess with Intent to Distribute Marijuana. (Ex. 4 at pp. 4—7).
4. On his application, Applicant attached a brief summary of these felonies. (Ex. 4 at p. 6).
 - a. Regarding the 2001 felony convictions, Applicant writes: "I and my brother...entered my [m]other's [f]iancé's house without permission. Proceeded [sic] to assault him when confronted." (Ex. 4 at p. 4). Applicant further writes that he "was sentenced to 6 years, 4 suspended, and 2 executed in the Department of Corrections." (Ex. 4 at p. 4).
 - b. Regarding the 2009 felony conviction, Applicant writes: "I arranged for marijuana to be sent from Arizona to Fort Wayne over a three month period. I was given a plea bargain and sentenced to 57 months in the Bureau of Prisons." (Ex. 4 at p. 4).
5. Per the Denial Order, Applicant was afforded a sixty three (63) day period to make a written demand for a hearing.
6. On March 12, 2014, the Department timely received Applicant's written demand for a hearing. (Ex. 2).

7. Said hearing was held on April 2, 2014 and June 4, 2014.
8. Kim Green, Junior Investigator testified as a witness for the Department at the June 4, 2014 hearing. (Evidentiary Transcript of June 4, 2014 at p. 11). Mrs. Green testified that, as an investigator, she performs background checks to determine whether certain applicants have been forthcoming with the status of their criminal history, state income taxes, and child support issues. (Tr. at p. 12). Mrs. Green further testified that she performed such a review of Applicant. (Tr. at p. 12).
9. Mrs. Green testified that she prepared the Denial Order because Applicant holds the three (3) above-mentioned felony convictions. (Tr. at pp. 14—15).
10. Mrs. Green testified that her investigation revealed Applicant was denied an insurance producer license in 2012. (Tr. at p. 21).
11. Applicant's 2012 insurance producer license denial proceedings concluded with an August 30, 2012 Final Order issued under cause number 10957-AD-0126-008. (Ex. 5 at p. 1).
12. The Final Order states that "[t]he Preliminary Administrative Order and Notice of License Denial of February 2, 2012 is upheld, denying Applicant's insurance producer application." (Ex. 5 at p. 2). The Final Order adopted, in full, the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order in that matter (the "2012 Recommended Order"). (Ex. 5 at p. 1).
13. The 2012 Recommended Order states the following Conclusions of Law:
 - a. "Applicant has been convicted of both state and federal felonies." (Ex. 5 at p.

- 9).
- b. "Applicant has established a pattern of violating Orders, probation, and laws."
(Ex. 5 at p. 8).
 - c. "Applicant has failed to meet his burden...that he should be entrusted to serve
the public as a licensed insurance producer." (Ex. 5 at p. 8).
14. Mrs. Green testified that her investigation revealed there was "no difference" between
the criminal history resulting in Applicant's 2012 license denial and the present
license denial. (Tr. at pp. 23—24).
15. Mrs. Green testified that she handles between "three to five" license denial cases a
month. (Tr. at p. 24).
16. Mrs. Green further testified that, based on her experience, successful license
applicants holding a felony conviction are typically "eight to ten years outside of the
felony conviction before receiving a license from the Department." (Tr. at p. 24).

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.
3. Applicant received notice in compliance with Ind. Code §§ 4-21.5-3-1 and 27-1-15.6-
12(d).
4. Pursuant to Indiana Code § 27-1-15.6-12(b), the Commissioner may refuse to issue an
insurance producer license for a number of causes.

5. The Commissioner has cause to refuse to issue an insurance producer license if an applicant has been convicted of a felony, Ind. Code § 27-1-15.6-12(b)(6).
6. Applicant has been convicted of three (3) felonies. Specifically, in 2001, Applicant pled guilty to Battery, a class C Felony, and Residential Entry, a Class D Felony, in Allen County, Indiana. Additionally, in 2009, Applicant pled guilty to a federal felony charge of Conspiracy to Possess with Intent to Distribute Marijuana.
7. Said felony convictions were the reason for the Commissioner's refusal to issue Applicant an insurance producer license.
8. Pursuant to Ind. Code § 27-1-15.6-12(d), an unsuccessful license applicant may, not more than sixty-three (63) days after notice of denial is mailed, make written demand to the Commissioner for a hearing to determine the reasonableness of the Commissioner's action.
9. Applicant timely made such a written demand for a hearing.
10. Pursuant to Ind. Code § 27-1-15.6-34, all hearings held under Ind. Code § 27-1-15.6 *et seq.* are governed by Ind. Code § 4-21.5-3.
11. Pursuant to Ind. Code § 4-21.5-3-14(d), the proceedings before an administrative law judge are de novo.
12. Pursuant to Ind. Code § 4-21.5-3-14(c), the person requesting that an agency take action has the burden of persuasion and the burden of going forward with the proof of the request.
13. Thus, Applicant has the burden of proof in determining that the January 29, 2014 Preliminary Administrative Order and Notice of License Denial was unreasonable.

14. Based on the evidence heard at the April 2 and June 4, 2012 hearings, Applicant has not satisfied his burden.
15. The Commissioner's refusal to issue Applicant an insurance producer license was reasonable.
16. 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 January 29, 2014 Preliminary Administrative Order and Notice of License Denial refusing to issue Applicant an insurance producer license be given full effect.

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

Amy L. Beard
Administrative Law Judge

CERTIFICATE OF SERVICE

This is to certify that a copy of the Proposed Findings of Fact, Conclusions of Law and Recommended Order has been served upon Applicant in the captioned proceeding by depositing a copy of same in the United States Mail to the addresses below, First Class Postage prepaid, this 7th day of July 2014.

Keith A. Hoskins
1205 Orchard Street
Fort Wayne, Indiana 46808



Michael F. Mullen, No. 30395-39
Attorney for the Enforcement Division,
Indiana Department of Insurance

Indiana Department of Insurance
Enforcement Division
311 West Washington Street, Suite 103
Indianapolis, IN 46204-2787
317/233-9431 - telephone
317/232-5251 - facsimile