

STATE OF INDIANA)
)
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 13138-AD14-0630-024

IN THE MATTER OF:)
)
Insurance Producer License)
Application of:)
)
Astrid Recinos)
2624 Brewster Lane)
Lafayette, Indiana 47909)
)
Applicant)

FILED
JAN 23 2015
STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On December 22, 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 her home address of record.

2. The Department has complied with the notice requirements of Ind. Code §4-21.5-3-17.

3. Applicant timely filed an objection with the Commissioner regarding the Administrative Law Judge's Recommended Order on January 7, 2015. The Department has not filed an objection or response to Applicant's objection.

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:

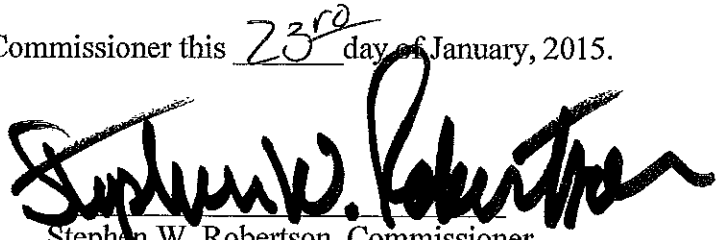
IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. The Preliminary Administrative Order and Notice of License Denial of July 11, 2014, is AFFIRMED.

2. The Applicant's request for an 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 23rd day of January, 2015.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Astrid Recinos
2624 Brewster Lane
Lafayette, Indiana 47909

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

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 13138-AD14-0630-024

IN THE MATTER OF:

Insurance Producer License
Application of:

Astrid Recinos
2624 Brewster Lane
Lafayette, Indiana 47909

Petitioner.

FILED

DEC 22 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 Notice of Filing of Recommended Order.

Recommended Order.



Amy L. Beard
Administrative Law Judge

Distribution:

Astrid Recinos
2624 Brewster Lane
Lafayette, Indiana 47909

Holly A. Williams, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204

STATE OF INDIANA)
)
COUNTY OF MARION)

BEFORE THE INDIANA
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CAUSE NUMBER: 13138-AD14-0630-024

IN THE MATTER OF:)
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Insurance Producer License)
Application of:)
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Astrid Recinos)
2624 Brewster Lane)
Lafayette, Indiana 47909)
)
 Petitioner.)

FILED

DEC 22 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 Derek Holm under Cause Number 13138-AD14-0630-024. This matter came to be heard by the ALJ at the Indiana Department of Insurance, 311 West Washington Street, Indianapolis, Indiana, at 1:00 p.m. EST on August 20, 2014.

The Indiana Department of Insurance ("Department") was represented at the administrative hearing by counsel. The Petitioner, Astrid Recinos, ("Applicant") 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. Astrid Recinos ("Applicant") was properly notified of the above referenced hearing date and time by U.S. Certified Mail #9214 8901 0661 5400 0036 5950 33.

2. The Department received Applicant's property and casualty insurance producer license application on June 23, 2014. *Exhibit A.*

3. Applicant's license application was denied on July 11, 2014, by order of the Commissioner due to Applicant having been found guilty of a felony. *Preliminary Administrative Order and Notice of License Denial.*

4. On July 20, 2014, Applicant made a request for a hearing to reconsider the initial denial of her producer license application and a hearing date was set for August 20, 2014. *Exhibit C; Notice of Hearing.*

5. On or about October 29, 2004, Applicant was charged with two counts of Sexual Misconduct With a Minor. *Exhibit D.*

6. The Affidavit of Probable Cause stated Applicant was an employee of Cary Home, and was involved in inappropriate conduct with a resident. Applicant confirmed the allegations and reported that Applicant had kissed the resident. *Exhibit E.*

7. Cary Home is a boy's school or detention center. *Transcript pg. 25.*

8. Applicant was twenty-two (22) years old at the time of the incident and the resident was fifteen (15) years old. *Transcript pg. 8.*

9. Applicant was terminated from Cary Home on August 30, 2004. *Transcript pg. 38.*

10. On August 12, 2005, Applicant was sentenced to one and one half (1 ½) years on each of the two counts, to run concurrently with six (6) months executed on Community Corrections and one year suspended on supervised probation. *Exhibit D.*

11. Applicant successfully completed six (6) months of house arrest, one (1) year of probation, and completed all necessary psychological evaluations. *Exhibit B.*

12. On or about October 15, 2008, Applicant's felony convictions were reduced to A Misdemeanors. *Exhibit B, D.*

13. Applicant submitted several letters of recommendation. These letters included recommendations from Jason Dickelmann, a State Farm Agent/Owner and Applicant's current employer; Janet English, the Office Manager for Applicant's current employer; Judy L. Edwards, the Director of Religious Education at the church where Applicant volunteers; and Gwen Adams, the Advocate/Officer Manager for the confirmation class with which Applicant assists. *Exhibit 2, 3, 4, 5.*

14. Jason Dickelmann, Janet English, Judy Edwards, and Gwen Adams are all aware of Applicant's criminal conviction. *Transcript pgs. 20-21, 24.*

15. Applicant received a Bachelor of Arts Degree from Purdue University, an Associate of Science in Liberal Arts Degree from Ivy Tech Community College, and a Phlebotomy Technician certification. *Exhibit 6.*

16. Applicant worked at Macy's as a sales associate from November 2001 through May 2014. *Exhibit 1.*

17. Applicant began working at Jason Dickelmann's State Farm agency as a service representative in June 2014. *Exhibit 1.*

16. Applicant stated that a career in the insurance industry will provide her with the opportunity to help people. *Transcript pg. 19.*

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. Applicant received a felony conviction for Sexual Misconduct With a Minor.

5. 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.

6. Applicant's felony convictions were reduced to A Misdemeanors in 2008; however, the facts surrounding Applicant's conviction are indicative of dishonest, untrustworthiness, and incompetence as required by Ind. Code §27-1-15.6-12(b)(8).

7. Applicant has not met her burden of proof to show that the Commissioner's decision to deny the insurance producer license application should be reversed.

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

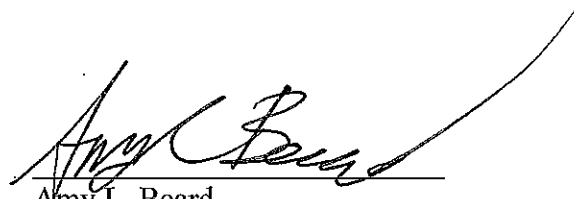
RECOMMENDED ORDER

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 July 11, 2014, should be AFFIRMED.

2. The Applicant's request for an insurance producer license shall be DENIED. denying Applicant's insurance producer license application.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 22nd day of December, 2014.


Amy L. Beard
Administrative Law Judge

Distribution:

Astrid Recinos
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Holly A. Williams, Attorney
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311 W. Washington St., Suite 103
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