

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER:12612-AG14-0618-119

IN THE MATTER OF:)

Andrew Dean Ross,)
Producer / Respondent.)
License No.: 822608)

1930 Village Center Circle)
Suite 3-627)
Las Vegas, NV 89134)

Type of Action: Enforcement)

FILED

MAY 21 2015

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On August 25, 2014, the Administrative Law Judge, Rueben B. Hill, filed his Default Order in the above-captioned matter.

1. The Department served the Default Order on Respondent 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 Default Order, and more than eighteen (18) days have elapsed.

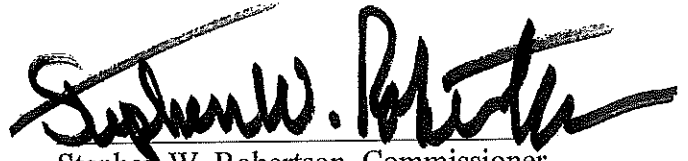
Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Default Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Respondent's Producer Insurance License Number: 822608 is permanently revoked.

2. Respondent is to pay a civil penalty in the amount of Seven Hundred Fifty Dollars and no/100 (\$750.00) within ninety (90) days.

ALL OF WHICH IS ORDERED by the Commissioner this 21st day of May, 2015.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Andrew Dean Ross
1930 Village Center Circle
Suite 3-627
Las Vegas, Nevada 89134

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

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Type of Action: Enforcement)

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AUG 25 2014

**STATE OF INDIANA
DEPT. OF INSURANCE**

DEFAULT ORDER

Pursuant to Indiana Code § 4-21.5-3-24 and Ind. Code § 4-21.5-3-27, the Administrative Law Judge in this matter issues the following Default Order:

Findings of Fact

1. Respondent, a nonresident insurance producer, holds license number 822608 ("Respondent's license"). (Ex. B at p. 2).
2. On July 15, 2014, the Enforcement Division of the Indiana Department of Insurance (the "Department") filed its Statement of Charges against Respondent.
3. A hearing on the allegations asserted in the Statement of Charges was set for and held on August 6, 2014 at 1:30 P.M.
4. Respondent failed to appear or participate in that August 6, 2014 hearing. (Transcript of August 6, 2014 Evidentiary Hearing at p. 4).
5. On August 13, 2014, this Court issued a Proposed Default Order.
6. The Proposed Default Order was delivered, via certified mail number 9214 8901

0661 5400 0038 2330 32, on August 18, 2014.

7. Respondent has failed to file a written motion responding to the Proposed Default Order.

Violations of Indiana Insurance Law

8. On November 14, 2013, the State of Indiana, by and through the Office of the Attorney General (the "Attorney General"), filed a Complaint for Injunction, Civil Penalties, and Fees and Costs under cause number 49D02-1311-MI-041479 (the "Complaint"). (Ex. B).
9. The Complaint alleges Respondent, both individually and through a business entity, violated the Indiana Telephone Privacy Act. (Ex. B).
10. On November 25, 2013, Respondent and the Attorney General executed a Consent Decree whereby Respondent agreed, among other things, to pay a judgment in the amount of One Hundred Twenty Thousand Dollars and no/100 (\$120,000.00). (Ex. B).
11. On December 19, 2013, the Court adopted and approved the Consent Decree. (Id.).
12. Pursuant to the Consent Decree, Respondent agreed to deliver payments to the Office of the Attorney General on agreed upon dates. (Id.).
13. Respondent failed to remit any payments to the Office of the Attorney General. (Id.).
14. On June 02, 2014, an Order of Contempt Against Andrew Ross (the "Contempt Order") was filed under the same cause number as the Complaint. (Id.).
15. The Contempt Order concluded that Respondent "willfully violated the Consent Decree by failing to remit payment as agreed to in the Consent Decree and Settlement Agreement." (Id.).

16. Per the Contempt Order, Respondent is now liable for the entire judgment amount set forth in the Consent Decree of One Hundred Twenty Thousand Dollars and no/100 (\$120,000.00). (Id.).
17. Respondent has not paid or attempted to pay any monies towards the outstanding judgment since the issuance of the Contempt Order.
18. Respondent has failed to report this matter to the Commissioner.

Conclusions of Law

1. The Commissioner has jurisdiction over both the subject matter and the parties to this action.
2. This hearing was held in compliance with the Indiana Administrative Orders and Procedures Act, codified at Ind. Code § 4-21.5 *et seq.*
3. Pursuant to Ind. Code § 4-21.5-324(a)(2), if a party fails to attend or participate in a hearing, the administrative law judge may serve upon all parties written notice of a proposed default order.
4. Respondent failed to attend or participate in the August 6, 2014 hearing and such a Proposed Default Order was served upon all parties.
5. Pursuant to Ind. Code § 4-21.5-3-24(c), if a party has failed to file a written motion within seven (7) days of receipt of the Proposed Default Order, the administrative law judge shall issue the default order.
6. Pursuant to Ind. Code § 4-21.5-3-24(d), after issuing a default order, the administrative law judge shall conduct any further proceedings necessary to complete the proceeding without the participation of the party in default.
7. Regardless of whether the administrative law judge is the ultimate authority, the order

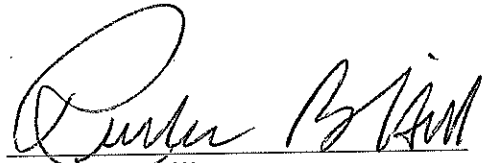
- disposing of the proceeding must comply with Ind. Code § 4-21.5-3-27(a).
8. Pursuant to Ind. Code § 27-1-15.6-12(b)(8), the Commissioner may revoke a producer's license and impose a civil penalty if the producer used fraudulent, coercive, or dishonest practices, or demonstrated incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.
 9. Respondent failed to deliver payments as promised in the Consent Decree to resolve allegations of deceptive business practices and thus, is subject to disciplinary action under Ind. Code § 27-1-15.6-12(b)(8).
 10. Additionally, Respondent failed to make any Court-ordered payments after the issuance of the Contempt Order. His failure to do so is additional conduct subject to disciplinary action under Ind. Code § 27-1-15.6-12(b)(8).
 11. Pursuant to Ind. Code § 27-1-15.6-12(b)(2)(A), the Commissioner may revoke a producer's license and impose a civil penalty if the producer violates an insurance law. Such an insurance law is Ind. Code § 27-1-15.6-17(a).
 12. Pursuant to Ind. Code § 27-1-15.6-17(a), a producer shall report to the Commissioner, not more than thirty (30) days after the final disposition, any administrative action taken against the producer by another governmental agency in Indiana.
 13. Respondent failed to report the action taken against the Attorney General to the Department and thus, is subject to disciplinary action under Ind. Code § 27-1-15.6-12(b)(2)(A).
 14. Findings of Fact that can be adopted as Conclusions of Law are hereby incorporated herein as such.

Recommended Order

Having found Respondent to be in default, and based on the above Findings of Fact and the Conclusions of Law, Administrative Law Judge Reuben B. Hill now recommends to the Commissioner the following:

1. The permanent revocation of Respondent's license; and
2. The imposition of a civil penalty against Respondent in the amount of Seven Hundred Fifty Dollars and no/100 (\$750.00), due within ninety (90) days of the Final Order.

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


Reuben B. Hill,
Administrative Law Judge

This Notice has been sent to:

Andrew D. Ross
1930 Village Center Circle
Suite 3-627
Las Vegas, Nevada 89134

Michael F. Mullen
Kim Green
Indiana Department of Insurance
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204

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FILED

JUL 15 2014

**STATE OF INDIANA
DEPT. OF INSURANCE**

STATEMENT OF CHARGES

The Enforcement Division of the Indiana Department of Insurance (the "Department"), by counsel, Michael F. Mullen, pursuant to the Indiana Administrative Orders and Procedures Act, Indiana Code § 4-21.5-1 *et seq.*, files its Statement of Charges against Respondent Andrew Dean Ross ("Respondent"), as follows:

FACTS

1. Respondent, a nonresident insurance producer, was granted insurance producer license number 822608 on June 6, 2012 ("Respondent's Indiana license").
2. Respondent's Indiana license is active.
3. On November 14, 2013, the State of Indiana, by and through the Office of the Attorney General (the "Attorney General"), filed a Complaint for Injunction, Civil Penalties, and Fees and Costs under cause number 49D02-1311-MI-041479 (the "Complaint").
4. The Complaint alleges Respondent violated the Indiana Telephone Privacy Act.

5. On November 25, 2013, Respondent and the Attorney General executed a Consent Decree whereby Respondent agreed, among other things, to pay a judgment in the amount of One Hundred Twenty Thousand Dollars and no/100 (\$120,000.00).
6. On December 19, 2013, the Court adopted and approved the Consent Decree.
7. Pursuant to the Consent Decree, Respondent agreed to deliver payments to the Office of the Attorney General based on agreed upon dates.
8. Respondent failed to remit any payments to the Office of the Attorney General.
9. On June 02, 2014, an Order of Contempt Against Andrew Ross (the "Contempt Order") was filed under the same cause number as the Complaint.
10. The Contempt Order concluded that Respondent "willfully violated the Consent Decree by failing to remit payment as agreed to in the Consent Decree and Settlement Agreement."
11. Per the Contempt Order, Respondent is now liable for the entire judgment amount set forth in the Consent Decree of One Hundred Twenty Thousand Dollars and no/100 (\$120,000.00).
12. Based on information and belief, Respondent has not paid or attempted to pay any monies towards said outstanding judgment since the issuance of the Contempt Order.
13. Respondent has failed to report this matter to the Commissioner.

COUNT I – Lack of Fitness (Failure to Perform under Consent Decree)

14. Averments 1 through 13 are incorporated fully herein by reference.

15. Respondent used fraudulent, coercive, or dishonest practices, or demonstrated incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere. Specifically, Respondent failed to deliver payments as promised in the Consent Decree to resolve allegations of deceptive business practices.

16. Respondent's conduct, as alleged herein, is cause for disciplinary action in accordance with Indiana Code § 27-1-15.6-12(b)(8).

COUNT II – Lack of Fitness (Failure to Make Court-Ordered Payments)

17. Averments 1 through 16 are incorporated fully herein by reference.

18. Respondent used fraudulent, coercive, or dishonest practices, or demonstrated incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere. Specifically, Respondent has failed to make any Court-ordered payments since the issuance of the Contempt Order.

19. Respondent's conduct, as alleged herein, is cause for disciplinary action in accordance with Indiana Code § 27-1-15.6-12(b)(8).

COUNT III – Lack of Fitness (Failure to Report Administrative Action)

20. Averments 1 through 19 are incorporated fully herein by reference.

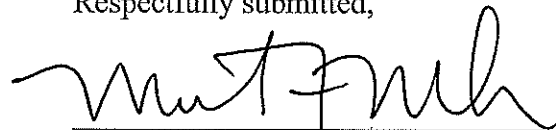
21. Pursuant to Indiana Code § 27-1-15.6-17(a), a producer shall report to the Commissioner, not more than thirty (30) days after the final disposition, any administrative action taken against the producer by another governmental agency in Indiana.

22. Respondent failed to report the Court's approval of the Consent Decree within thirty (30) days of December 19, 2013. In doing so, Respondent violated an insurance law.

23. Respondent's conduct, as alleged herein, is cause for disciplinary action in accordance with Indiana Code § 27-1-15.6-12(b)(2)(A).

WHEREFORE, the Enforcement Division of the Indiana Department of Insurance, by counsel, Michael F. Mullen, requests the Commissioner to appoint an administrative law judge and set this matter for hearing; and/or issue an order permanently revoking Respondent's Indiana license; impose a fine in the amount of Two Hundred Fifty Dollars and no/100 (\$250.00) per violation for a total fine of Seven Hundred Fifty Dollars and no/100 (\$750.00); and for all other necessary and appropriate relief.

Respectfully submitted,



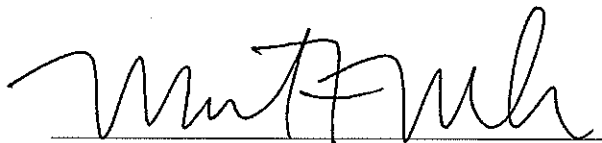
Michael F. Mullen, #30395-49
Attorney, Enforcement Division

Michael F. Mullen, Esq.
Indiana Department of Insurance
Enforcement Division
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204-2787
Telephone: (317) 232-5153
Facsimile: (317) 232-5251

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Statement of Charges has been served upon the following Respondent by United States first class mail, postage prepaid, this 15th day of JULY, 2014.

Andrew Dean Ross
1930 Village Center Circle
Suite 3-627
Las Vegas, Nevada 89134


Michael F. Mullen