

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER:12922-AG14-0529-110

IN THE MATTER OF: )  
 )  
Brandy Lenette Malone, )  
 )  
Producer / Respondent. )  
 )  
License No.: 437504 )  
 )  
1639 West Indiana Avenue )  
 )  
South Bend, IN 46613 )  
 )  
Type of Action: Enforcement )

**FILED**  
MAY 21 2015  
STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

On September 11, 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 her 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.

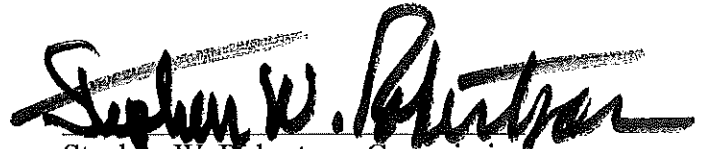
Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge’s Default Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Respondent’s Producer Insurance License Number: 437504 is permanently revoked.

2. Respondent is to pay a civil penalty in the amount of Five Hundred Dollars and no/100 (\$500.00) within ninety (90) days.

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

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Copies to:

Brandy L. Malone  
1639 West Indiana Avenue  
South Bend, IN 46613

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

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**FILED**  
SEP 11 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 437504 (“Respondent’s license”).
2. On July 8, 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 5, 2014 at 2:00 P.M.
4. Respondent failed to appear or participate in that August 5, 2014 hearing.
5. On August 13, 2014, this Court issued a Proposed Default Order.
6. The Proposed Default Order was sent to the address of record via certified mail number 9214 8901 0661 5400 0038 2337 35 and the mail piece was returned

unclaimed.

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

#### **Violations of Indiana Insurance Law**

7. Pursuant to the Final Order issued under cause number 12385-AG13-0724-082, Respondent's license is subject to a probationary period until March 8, 2016.
8. Respondent has been subject to the following administrative actions:
  - a. On December 6, 2014, the California Department of Insurance revoked her non-resident insurance producer license; and
  - b. On April 21, 2014, the Louisiana Department of Insurance imposed a fine of Two Hundred Fifty Dollars and no/100 (\$250.00) for failing to disclose the California action to the Louisiana Commissioner of Insurance.
9. Respondent failed to report either action to the Commissioner.
10. Additionally, Respondent failed to respond to the Department's attempts to contact her.

#### **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 5, 2014 hearing and such a Proposed Default Order was served upon all parties.
5. 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.
6. 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).
7. Pursuant to Ind. Code § 27-1-15.6-12(b)(9), the Commissioner may revoke a producer's license and impose a civil penalty if the producer has had an insurance producer license, or its equivalent, revoked in any other state, province, district or territory.
8. Respondent has had her producer's license, or its equivalent revoked by the California Department of Insurance. This revocation is cause for disciplinary action under Ind. Code § 27-1-15.6-12(b)(9).
9. Additionally, 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).
10. 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 in another jurisdiction.
11. Respondent failed to report administrative actions taken against her in two (2) jurisdictions: the California revocation and the civil penalty imposed by Louisiana. Each failure to disclose is a separate and distinct cause for disciplinary action under

Ind. Code § 27-1-15.6-12(b)(2)(A).

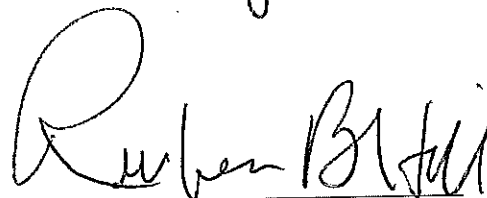
12. Finally, pursuant to Ind. Code § 27-1-15.6-12(b)(8), the Commissioner may revoke a producer's license and impose a civil penalty if the producer used fraudulent, coercive, or dishonest practices, or demonstrated incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.
13. Respondent failed to respond to the Department's attempts to contact her to discuss this matter, despite having knowledge of the Department's administrative process and its importance. Such conduct is demonstrative of incompetence or untrustworthiness in the conduct of business. Thus, Respondent is subject to disciplinary action under Ind. Code § 27-1-15.6-12(b)(8).
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 Five Hundred Dollars and no/100 (\$500.00), 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 11<sup>th</sup> day of Sept, 2014.



Reuben B. Hill,  
Administrative Law Judge

This Notice has been sent to:

Brandy Malone  
1639 West Indiana Avenue  
South Bend, Indiana 46613

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

STATE OF INDIANA )  
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CAUSE NO: 12922-AG14-0529-110

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Producer / Respondent )  
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1639 West Indiana Avenue )  
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Type of Action: Enforcement )

**FILED**  
JUL 08 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 Brandy Lenette Malone (“Respondent”), as follows:

**FACTS**

1. Respondent, a resident insurance producer, was granted insurance producer license number 437504 on May 14, 2003 (“Respondent’s license”).
2. Pursuant to the Final Order issued under Cause Number 12385-AG13-0724-082 (the “Final Order”), Respondent’s license is on probation until March 8, 2016.
3. Since the Commissioner issued the Final Order, Respondent has failed to report two (2) administrative actions taken against her licenses held in other jurisdictions.
4. Specifically, the following administrative actions were taken against Respondent:



- a. A December 6, 2014 Order of Summary Revocation revoked her California non-resident insurance producer license. This revocation became effective on January 5, 2014; and
  - b. An April 21, 2014 Order imposed a fine of Two Hundred Fifty Dollar and no/100 (\$250.00) against Respondent for her failing to inform the Louisiana Department of Insurance of said Order of Summary Revocation.
5. To date, Respondent has not reported either of the above-mentioned actions to the Commissioner.
  6. Respondent has also failed to respond to the Department's attempts to contact her, including two certified letters mailed March 20, 2014 and April 25, 2014, respectively.

**COUNT I – California License Revocation**

7. Averments 1 through 6 are incorporated fully herein by reference.
8. Respondent's insurance producer license, or its equivalent, was revoked in California.
9. Respondent's conduct, as alleged herein, is cause for disciplinary action in accordance with Indiana Code § 27-1-15.6-12(b)(9).

**COUNT II – Failure to Report California License Revocation**

10. Averments 1 through 9 are incorporated fully herein by reference.
11. Pursuant to Indiana Code § 27-1-15.6-17(a), a producer shall report to the Commissioner, not more than thirty (30) days of the final disposition, any administrative action taken against the producer in another jurisdiction.

12. Respondent failed to report the revocation of her California license within thirty (30) days of January 5, 2014. In doing so, Respondent violated an insurance law.
13. Respondent's conduct, as alleged herein, is cause for disciplinary action in accordance with Indiana Code § 27-1-15.6-12(b)(2)(A).

**COUNT III – Failure to Report Louisiana Administrative Action**

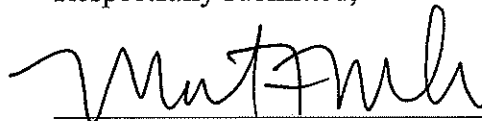
14. Averments 1 through 13 are incorporated fully herein by reference.
15. Pursuant to Indiana Code § 27-1-15.6-17(a), a producer shall report to the Commissioner, not more than thirty (30) days after the final disposition, any administrative action taken against the producer in another jurisdiction.
16. Respondent failed to report the Two Hundred Fifty Dollar and no/100 (\$250.00) fine imposed on her by the Louisiana Department of Insurance within thirty (30) days of April 21, 2014. In doing so, Respondent violated an insurance law.
17. Respondent's conduct, as alleged herein, is cause for disciplinary action in accordance with Indiana Code § 27-1-15.6-12(b)(2)(A).

**COUNT IV – Lack of Fitness**

18. Averments 1 through 24 are incorporated fully herein by reference.
19. 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 respond to the Department's inquiries on this matter, despite having knowledge of the Department's administrative process and its importance.
20. Respondent's conduct, as alleged herein, is cause for disciplinary action in accordance with Indiana Code § 27-1-15.6-12(b)(8).

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M F Mullen", written over a horizontal line.


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 2<sup>nd</sup> day of JULY, 2014.

Brandy Lenette Malone  
1639 W. Indiana Avenue  
South Bend, IN 46613



Michael F. Mullen

**CERTIFIED MAIL RECEIPT:** 9214 8901 0661 5400 0033 7394 85