

STATE OF INDIANA )  
 )  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 13421-AD14-1105-029

IN THE MATTER OF: )  
 )  
Navigator Certification )  
Application of: )  
 )  
Taeskeia Porter )  
5850 Wildflower Circle #C )  
Indianapolis, Indiana 46254 )  
 )  
Applicant )

**FILED**

MAY 21 2015

STATE OF INDIANA  
DEPT. OF INSURANCE

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**FINAL ORDER**

On March 9, 2015, 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. Neither party has filed an objection with the Commissioner regarding the Administrative Law Judge's Findings of Fact, Conclusions of Law and Recommended Order, and more than eighteen (18) days have elapsed.

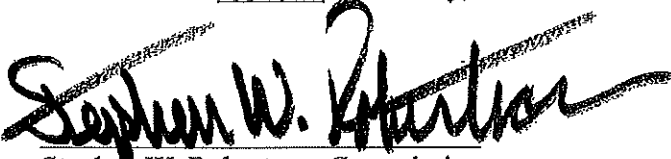
Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. The Preliminary Administrative Order and Notice of License Denial of December 12, 2014, is AFFIRMED.
2. The Petitioner is denied a Navigator Certification.

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 21<sup>st</sup> day of May, 2015.

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Copies to:

Taeskeia R. Porter  
5850 Wildflower Circle #C  
Indianapolis, IN 46254

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

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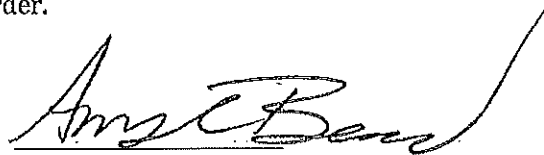
MAR 09 2015

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.



Amy L. Beard  
Administrative Law Judge

Distribution:

Taeskeia R. Porter  
5850 Wildflower Circle #C  
Indianapolis, Indiana 46254

Joshua D. Harrison  
Indiana Department of Insurance  
311 West Washington Street, Suite 103  
Indianapolis, Indiana 46204-2787

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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 Taeskeia Porter under Cause Number 13421-AD14-1105-029. This matter came to be heard by the ALJ at the Indiana Department of Insurance, 311 West Washington Street, Indianapolis, Indiana, on January 8, 2015.

The Indiana Department of Insurance ("Department") was represented at the administrative hearing by counsel, Joshua Harrison. The Petitioner, Taeskeia Porter, ("Petitioner") 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. On or about October 23, 2014, the Petitioner submitted an application for a Navigator Certification. *Transcript of Hearing ("Tr.") at p. 6.*
2. On December 12, 2014, the Commissioner issued a Preliminary Administrative Order and Notice of License Denial denying the Petitioner's Application under Ind. Code § 27-19-4-
3. Specifically, the Petitioner's request for certification was denied for having a Class D Felony conviction in 2008 for Theft, Receiving Stolen Property. *Preliminary Administrative Order and Notice of License Denial ("Preliminary Admin. Order & Notice of License Denial").*
3. On or about December 15, 2014, the Petitioner timely requested a hearing to determine the reasonableness of the Commissioner's decision to deny the Petitioner's Application. *Preliminary Admin. Order & Notice of License Denial.*
4. On December 16, 2014, a Notice of Hearing was issued in this matter, which set a hearing date for January 8, 2015 at 9:30 a.m. *Notice of Hearing Filed December 16, 2014.*
5. A hearing in this matter was held on January 8, 2015.
6. On her Application, the Petitioner disclosed that she had been convicted of a crime. *Tr. at p. 6.*
7. The Petitioner has a felony conviction. In 2008, the Petitioner was convicted of a Class D Felony for Theft in Marion County, Indiana. *Exhibit 1 ("Ex 1").*
8. At the hearing, evidence was submitted showing that the Petitioner had pleaded guilty to Class D Felony for Theft and was sentenced to one hundred eighty (180) days of home detention followed by one hundred eighty (180) days of probation. The Petitioner was ordered to pay twenty-nine thousand dollars (\$29,000.00) in restitution. *Tr. at p. 9; Exhibit 2 ("Ex. 2").*
9. Conclusions of Law that can be adopted as Findings of Fact are hereby incorporated herein as such.

### **CONCLUSIONS OF LAW**

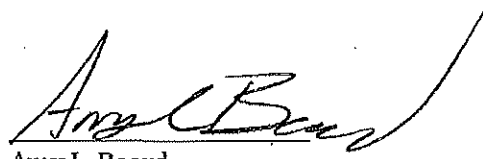
1. The Commissioner of Insurance has jurisdiction over both the subject matter and the parties to this action. *See* I.C. §§ 27-19-4 *et seq.* and 4-21.5-3 *et seq.*
2. This hearing was held in compliance with Indiana's Administrative Orders and Procedures Act ("Act"), codified at Indiana Code section 4-21.5-3 *et seq.*
3. The Petitioner received notice of the Preliminary Administrative Order and Notice of License Denial, in compliance with Ind. Code §§ 4-21.5-3-1.
4. Pursuant to I.C. § 27-19-4-3(a)(8), a navigator must not have been convicted of a felony.
5. The Petitioner has been convicted of a Class D Felony for Theft in 2008.
6. Thus, the Petitioner has failed to meet a requirement of certification, as stated in I.C. § 27-19-4-3(a)(8).
7. Based on the evidence heard at the hearing on January 8, 2015, the Petitioner has not satisfied her burden.
8. 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 of December 12, 2014, shall be AFFIRMED.
2. The Petitioner shall be DENIED a Navigator Certification.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the  
Commissioner this 9 day of March, 2015.



Amy L. Beard  
Administrative Law Judge

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Indianapolis, Indiana 46254

Joshua D. Harrison  
Indiana Department of Insurance  
311 West Washington Street, Suite 103  
Indianapolis, Indiana 46204-2787

STATE OF INDIANA )  
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BEFORE THE INDIANA  
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CAUSE NUMBER:13421-AD14-1105-029

IN THE MATTER OF: )  
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TAESKEIA PORTER )  
 )  
Applicant )  
 )  
5850 Wildflower Circle #C )  
Indianapolis, IN 46254 )  
 )  
Type of Agency Action: Enforcement )

**FILED**

JAN 22 2015

STATE OF INDIANA  
DEPT. OF INSURANCE

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

At the conclusion of the hearing in this matter, the parties were asked to submit Proposed Findings of Fact, Conclusions of Law, and Recommended Order within Thirty (30) days of the hearing date of January 8, 2015. The Enforcement Division hereby timely submits its Proposed Findings of Fact, Conclusions of Law, and Recommended Order.

Administrative Law Judge Amy Beard, having considered and reviewed all of the evidence, will now render a decision in the matter of Applicant Taeskeia Porter ("Applicant"). This matter came to be heard by Amy Beard, at 9:30 a.m. at the Indiana Department of Insurance.

The Enforcement Division of the Indiana Department of Insurance ("Department") was represented by counsel, Joshua Harrison. Applicant appeared in person and without legal counsel. Evidence was heard and exhibits were received into evidence.



Based upon the evidence presented at said hearing, the Administrative Law Judge now makes the following Findings of Fact, Conclusions of Law, and issues the Recommended Order.

### **FINDINGS OF FACT**

1. Applicant submitted an application for an Indiana Resident Navigator Certification on October 23, 2014.
2. On December 12, 2014, the Department filed its "Preliminary Administrative Order and Notice of License Denial" ("the Order").
3. The Order noted that on the application, the Applicant disclosed a January 9, 2008 conviction for Theft, a Class D Felony.
4. Citing Indiana Code § 27-19-4-3, the application was denied due to said conviction.
5. The Order further notified the Applicant that should she wish for a review of this decision, she must notify the Department within fifteen (15) days.
6. The Applicant notified the Department via email on December 15, 2014 that she wished to have a hearing on the matter.
7. A hearing was conducted on January 8, 2015 with the Applicant present in person without counsel and the Department represented by attorney Josh Harrison.
8. During the hearing, the Applicant admitted to disclosing the prior conviction on her application.
9. The Applicant offered no evidence during the hearing, but did testify that although she had committed the acts that led to her conviction, she did not act alone.

10. The Department entered into evidence certified copies of the Probable Cause Affidavit, Charging Information, and the Order of Conviction for the Applicant's 2008 Felony Theft conviction.

11. The Probable Cause Affidavit stated that the Theft conviction stemmed from the Applicant's fraudulent check cashing practices while employed with "1 Cash Express".

12. The Order of Conviction showed that the Applicant had been sentenced to 545 days, with 180 days served on Home Detention followed by 180 days of supervised probation.

13. As a condition of probation, Applicant was ordered to pay restitution in the amount of Twenty-Nine thousand dollars (\$29,000).

#### **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. Service of process was completed via the United States Mail in compliance with the statute and due process requirements.

4. Indiana Code § 27-19-4-3(a)(8) states that "If the person is a navigator, must not have been convicted of a felony."

5. Indiana Code § 4-21.5-5-14(a) places the burden of demonstrating the invalidity of the agency action upon the party requesting the judicial review.

6. Indiana Code § 4-21.5-5-14(d)(1) requires that the party seeking judicial review must show the agency action was “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.”

7. 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. That the denial of Applicant’s Indiana Producer License application be affirmed.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Amy Beard  
Administrative Law Judge

Distribution:

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