

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 13584-AG15-0225-031

IN THE MATTER OF: )  
 )  
John Martin, )  
 )  
Producer / Respondent. )  
 )  
License No.: 917933 )  
 )  
1347 E. Dakota )  
 )  
Fresno, CA 93704 )  
 )  
Type of Action: Enforcement )

**FILED**  
AUG 07 2015  
STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

On May 8, 2015, 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.

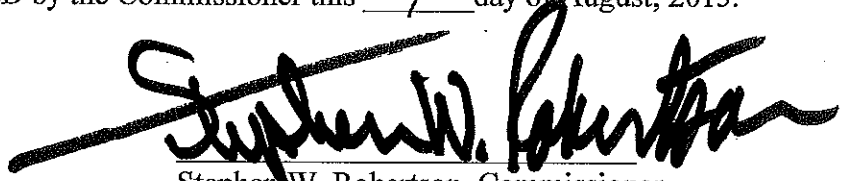
Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Default Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Respondent's Producer Insurance License Number: 917933 is permanently revoked.

2. Respondent is to pay a civil penalty in the amount of One Thousand Dollars (\$1000.00) within ninety (90) days.

ALL OF WHICH IS ORDERED by the Commissioner this 7 day of August, 2015.

A handwritten signature in black ink, reading "Stephen W. Robertson". The signature is written in a cursive style with a long horizontal stroke at the beginning.

Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Copies to:

John Martin  
1347 E Dakota  
Fresno, CA 93704

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

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE  
CAUSE NUMBER:13582-AG15-0225-031

IN THE MATTER OF: )

**John Martin** )  
**1347 E Dakota** )  
**Fresno, CA 93704** )

**License No. 917933** )

**Type of Action: Enforcement** )

**FILED**

**MAY 08 2015**

**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. John Martin ("Respondent") is a nonresident insurance producer holding license number 917933.
2. On March 10, 2015, 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 April 23, 2015 at 1:00 P.M.
4. Respondent failed to appear or participate in that April 23, 2015 hearing.
5. On April 23, 2015, 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 0057 2436 23.

6. Respondent has failed to file a written motion responding to the Proposed Default Order.
7. On April 23, 2015, pursuant to Ind. Code § 4-21.5-3-24(b), the administrative law judge conducted the proceeding without the participation of the Respondent.
8. At that time, the Department admitted the following exhibits in support of its Statement of Charges:
  - a. Print out from the Regulatory Information Repository Site listing the Regulatory Actions for Respondent (Exhibit 1);
  - b. Respondent's Uniform Application for Individual Producer's License from 2013 (Exhibit 2)
  - c. 2014 Order Refusing to Issue Insurance Producer's License from the state of Missouri (Exhibit 3)
  - d. 2014 License Application Denial letter from the state of Colorado (Exhibit 4)
  - e. 2014 Summary Order of Revocation from the state of Kansas (Exhibit 5)
  - f. 2013 License Denial letter from the state of South Dakota (Exhibit 6)
9. Investigator Melissa Higgins testified that upon a review of the evidence that Respondent had failed to acknowledge two misdemeanor convictions from the state of California on his 2013 application for licensure.
10. Investigator Higgins further testified that Respondent failed to inform the Department of the administrative actions in the states of California, Louisiana, South Dakota, Utah, Missouri, Colorado, and Kansas.

#### **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)(3), 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 April 23, 2015 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)(1), the Commissioner may revoke a producer's license and impose a civil penalty if the producer has provided incorrect, misleading, incomplete, or materially untrue information in a license application.
8. Respondent failed to indicate the two prior misdemeanor convictions on his 2013 application for licensure in the state of Indiana.
9. 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, denied, suspended, or revoked in any other state, province, district or territory.
10. Respondent has had his producer's license, or its equivalent denied, suspended,

and/or revoked by the states of California, Louisiana, South Dakota, Utah, Missouri, Colorado, and Kansas.

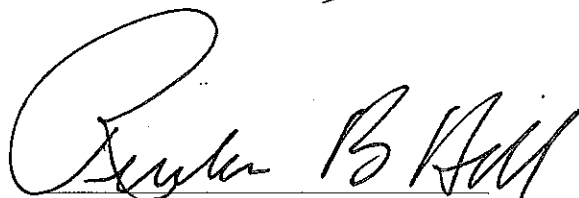
11. Additionally, pursuant to Ind. Code § 27-1-15.6-12(b)(2)(A), the Commissioner may revoke a producer's license and impose a civil penalty if the producer violates an insurance law.
12. Ind. Code § 27-1-15.6-17(a) requires a producer to report to the Commissioner, not more than thirty (30) days after the final disposition, any administrative action taken against the producer in another jurisdiction.
13. Respondent failed to report administrative actions taken against him by the states of California, Louisiana, South Dakota, Utah, Missouri, Colorado, and Kansas.
14. Findings of Fact than 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 One Thousand Dollars and no/100 (\$1000.00), 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 8<sup>th</sup> day of May, 2015.



Reuben B. Hill,  
Administrative Law Judge

This Notice has been sent to:

John Martin  
1349 E. Dakota  
Fresno, CA 93704

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