

STATE OF INDIANA)
)
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 13304-AG15-0306-079

IN THE MATTER OF:)
)
Harold Muhammad)
 Respondent)
)
605 Winterfield Dr., #1107)
Hutto, TX 78634)
)
License Number: 702516)
)
Type of Action: Enforcement)

FILED

DEC 04 2015

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On September 17, 2015, the Administrative Law Judge, Reuben B. Hill, filed his Findings of Fact, Conclusions of Law and Order on Motion for Summary Judgment in the above-captioned matter.

1. The Department served Findings of Fact, Conclusions of law, and Order on Motion for Summary Judgment 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 Findings of Fact, Conclusions of Law and Order on Motion for Summary Judgment, 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 Order on Motion for Summary Judgment and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Respondent's non-resident producer's license is permanently revoked.
2. Respondent is to pay a civil penalty in the amount of one thousand dollars (\$1,000.00) within ninety days (90).

Under Ind. Code §4-21.5-5-5, Respondent 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 4 day of December, 2015.



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Harold Muhammad
605 Winterfield Dr., #1107
Hutto, TX 78634

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 NO.: 13304-AG15-0306-079

IN THE MATTER OF:

Harold Muhammad
Respondent

605 Winterfield Dr, #1107
Hutto, TX 78634

License Number: 702516

Type of Action: Enforcement

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SEP 17 2015

STATE OF INDIANA
DEPT. OF INSURANCE

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
ORDER ON MOTION FOR SUMMARY JUDGMENT**

Having considered the Motion for Summary Judgment pursuant to Indiana Code 4-21.5-3-23 and Indiana Rules of Trial Procedure 56 filed by the Indiana Department of Insurance (the "Department") in the above captioned cause, the Administrative Law Judge now makes the following Findings of Fact, Conclusions of Law, and Recommended Order:

Findings of Fact

1. Harold Muhammad ("Respondent") is a non-resident insurance producer under license # 702516.
2. On January 8, 2013 Respondent signed a Consent Order in the state of South Dakota in which his non-resident producer's license was revoked. (Department's Exhibit 1)
3. The allegations contained in the Consent Order included the use of fraudulent, coercive, or dishonest practices or demonstrating untrustworthiness when Respondent

authorized withdrawals from a consumer bank account without explicit authorization from the consumer. (*Id.*)

4. On July 25, 2014 Respondent's non-resident producer's license in the state of California was revoked due to the allegations contained in the South Dakota order. (Department's Exhibit 2)
5. On May 7, 2015 Respondent's application for licensure with the state of South Dakota was denied due to demonstrating a lack of fitness or trustworthiness, misstatement on the application, and having previously been revoked in South Dakota. (Department's Exhibit 3)
6. Respondent failed to notify the Department of the South Dakota license denial as well as failed to notify the Department of the California license revocation within the statutory timeframe. (Affidavit of Investigator Calla Dain, Department's Exhibit 4)

Conclusions of Law

1. The Commissioner of Insurance has jurisdiction over both the subject matter and the parties to this action.
2. Service of process was completed via the United States Mail in compliance with the statute and due process requirements.
3. Indiana Code 4-21.5-3-23(a) states that a party may, at any time after a matter is assigned to an administrative law judge, move for a summary judgment in the party's favor as to all issues in the proceeding.

4. Indiana Code 4-21.5-3-23(b) states that an administrative law judge shall consider a motion filed under subsection (a) as would a court that is considering a motion for summary judgment filed under Trial Rule 56 of the Indiana Rules of Trial Procedure.
5. Trial Rule 56 states that that judgment sought shall be rendered forthwith if the designated evidentiary matter shows that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.
6. Trial Rule 56 states that if the Respondent fails to set forth specific facts showing there is a genuine issue, then summary judgment, if appropriate, shall be entered against him.
7. Indiana Code 27-1-15.6-12(b) states that the Commissioner of the Indiana Department of Insurance, (the "Commissioner"), may levy a civil penalty and/or permanently revoke an insurance producer's license for any of an enumerated list of factors.
8. Indiana Code 27-1-15.6-12(b)(9) states that having an insurance producer's license, or its equivalent, denied, suspended, or revoked in any other state is grounds for administrative action.
9. Indiana Code 27-1-15.6-17(a) requires that a producer report any administrative action taken against the producer in another jurisdiction to the Commissioner within thirty (30) days of the final disposition in the matter.
10. Indiana Code 27-1-15.6-12(b)(2)(A) states that violating an insurance law of Indiana or another state is also grounds for administrative action.

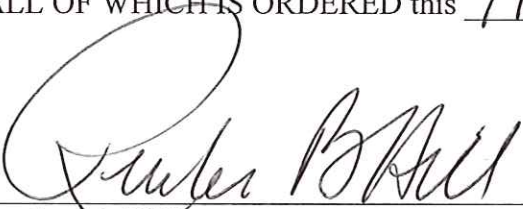
11. There is no genuine issue of material fact as to the administrative actions taken against the Respondent's license in other jurisdictions as well as Respondent's failure to notify the Department of those actions within the statutorily required timeframe.

12. As such, the Department is entitled to a judgment against the Respondent as a matter of law.

WHEREFORE, the Administrative Law Judge hereby enters judgment against the Respondent and recommends to the Commissioner an order that:

- (1) Respondent's non-resident producer's license is permanently revoked;
 - (2) Respondent shall pay a civil penalty in the amount of one thousand dollars (\$1000.00);
- and all other relief necessary and proper upon the premise.

ALL OF WHICH IS ORDERED this 17th day of Sept, 2015.


Reuben B. Hill
Administrative Law Judge

Dated: 9-17-15

Copies to:

~~Trinh Ngoc Tran~~
~~759 Oak St. #D~~
~~Lakewood, CO 80215~~

Joshua D Harrison
Indiana Department of Insurance
311 West Washington St. #103
Indianapolis, IN 46204-2787

Harold Muhammad
605 Winderfield Dr. #1107
Hutto, TX 78634

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 13304-AG15-0306-079

IN THE MATTER OF:

Harold Muhammad
Respondent

605 Winterfield Dr, #1107
Hutto, TX 78634

License Number: 702516

Type of Action: Enforcement

FILED

JUL 22 2015

STATE OF INDIANA
DEPT. OF INSURANCE

MOTION FOR SUMMARY JUDGMENT

Comes now the Indiana Department of Insurance ("Department") and files its Motion for Summary Judgment pursuant to Indiana Code 4-21.5-3-23 and Indiana Rules of Trial Procedure 56 in the above captioned cause. In support of said motion, the Department states as follows:

Facts:

1. Harold Muhammad ("Respondent") is a non-resident insurance producer under license # 702516.
2. On January 8, 2013 Respondent signed a Consent Order in the state of South Dakota in which his non-resident producer's license was revoked. (Department's Exhibit 1)
3. The allegations contained in the Consent Order included the use of fraudulent, coercive, or dishonest practices or demonstrating untrustworthiness when Respondent authorized withdrawals from a consumer bank account without explicit authorization from the consumer. (*Id.*)

4. On July 25, 2014 Respondent's non-resident producer's license in the state of California was revoked due to the allegations contained in the South Dakota order. (Department's Exhibit 2)
5. On May 7, 2015 Respondent's application for licensure with the state of South Dakota was denied due to demonstrating a lack of fitness or trustworthiness, misstatement on the application, and having previously been revoked in South Dakota. (Department's Exhibit 3)
6. Respondent failed to notify the Department of the South Dakota license denial as well as failed to notify the Department of the California license revocation within the statutory timeframe. (Affidavit of Investigator Calla Dain, Department's Exhibit 4)

Argument:

1. Indiana Code 4-21.5-3-23(a) states that a party may, at any time after a matter is assigned to an administrative law judge, move for a summary judgment in the party's favor as to all issues in the proceeding.
2. Indiana Code 4-21.5-3-23(b) states that an administrative law judge shall consider a motion filed under subsection (a) as would a court that is considering a motion for summary judgment filed under Trial Rule 56 of the Indiana Rules of Trial Procedure.
3. Trial Rule 56 states that that judgment sought shall be rendered forthwith if the designated evidentiary matter shows that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.

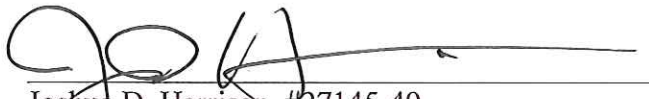
4. Trial Rule 56 states that if the Respondent fails to set forth specific facts showing there is a genuine issue, then summary judgment, if appropriate, shall be entered against him.
5. Indiana Code 27-1-15.6-12(b) states that the Commissioner of the Indiana Department of Insurance, (the "Commissioner"), may levy a civil penalty and/or permanently revoke an insurance producer's license for any of an enumerated list of factors.
6. Indiana Code 27-1-15.6-12(b)(9) states that having an insurance producer's license, or its equivalent, denied, suspended, or revoked in any other state is grounds for administrative action.
7. Indiana Code 27-1-15.6-17(a) requires that a producer report any administrative action taken against the producer in another jurisdiction to the Commissioner within thirty (30) days of the final disposition in the matter.
8. Indiana Code 27-1-15.6-12(b)(2)(A) states that violating an insurance law of Indiana or another state is also grounds for administrative action.
9. There is no genuine issue of material fact as to the administrative actions taken against the Respondent's license in other jurisdictions as well as Respondent's failure to notify the Department of those actions within the statutorily required timeframe.
10. As such, the Department is entitled to a judgment against the Respondent as a matter of law.
11. The Department is requesting revocation of Respondent's license due to the fraudulent and dishonest nature of the allegations contained in the Consent Order

from the state of South Dakota as well as the fact that he has failed to communicate with the Department in regard to the multiple out of state actions.

WHEREFORE, the Enforcement Division of the Indiana Department of Insurance, by counsel, Joshua D. Harrison, requests that the Court enter judgment against the Respondent and recommend to the Commissioner an order that:

- (1) Respondent's non-resident producer's license is permanently revoked;
 - (2) Respondent shall pay a civil penalty in the amount of one thousand dollars (\$1,000.00);
- and all other relief necessary and proper upon the premise.

Respectfully submitted,



Joshua D. Harrison, #27145-49
Attorney, Enforcement Division

Certified Mail Receipt Number:

| Copies to:

Harold Muhammad
605 Winterfield Dr, #1107
Hutto, TX 78634

Joshua D Harrison
Indiana Department of Insurance
311 West Washington St. #103
Indianapolis, IN 46204-2787

STATE OF INDIANA)
) SS:
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BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 13304-AG15-0306-079

IN THE MATTER OF:

Harold Muhammad
605 Winterfield Dr, #1107
Hutto, TX 78634

License No. 702516

Respondent.

FILED

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STATE OF INDIANA
DEPT. OF INSURANCE

ADMINISTRATIVE COMPLAINT

The Enforcement Division of the Indiana Department of Insurance ("Department"), pursuant to Ind. Code §§ 4-21.5-1 and 27-1-15.6 *et seq.*, files its Administrative Complaint against Harold Muhammad ("Respondent"), a non-resident insurance producer licensed in the State of Indiana, as follows:

FACTS

1. Respondent is a non-resident insurance producer, holding license number 702516.
2. On January 8, 2013 Respondent signed a Consent Order in the state of South Dakota in which his non-resident producer's license was revoked.
3. The allegations contained in the Consent Order included the use of fraudulent, coercive, or dishonest practices or demonstrating untrustworthiness when Respondent authorized withdrawals from a consumer bank account without explicit authorization from the consumer.
4. On July 25, 2014 Respondent's non-resident producer's license in the state of California was revoked due to the allegations contained in the South Dakota order.

5. On May 7, 2015 Respondent's application for licensure with the state of South Dakota was denied due to demonstrating a lack of fitness or trustworthiness, misstatement on the application, and having previously been revoked in South Dakota.
6. Respondent failed to notify the Department of the South Dakota license denial as well as failed to notify the Department of the California license revocation within the statutory timeframe.
7. Indiana Code 27-1-15.6-12(b) states that the Commissioner of the Indiana Department of Insurance, (the "Commissioner"), may levy a civil penalty and/or permanently revoke an insurance producer's license for any of an enumerated list of factors.
8. Indiana Code 27-1-15.6-12(b)(9) states that having an insurance producer's license, or its equivalent, denied, suspended, or revoked in any other state is grounds for administrative action.
9. Indiana Code 27-1-15.6-17(a) requires that a producer report any administrative action taken against the producer in another jurisdiction to the Commissioner within thirty (30) days of the final disposition in the matter.
10. Indiana Code 27-1-15.6-12(b)(2)(A) states that violating an insurance law of Indiana or another state is also grounds for administrative action.

CHARGES

COUNT I

11. Respondent's non-resident producer's license was revoked in the state of South Dakota.
12. Respondent's conduct is subject to action under Indiana Code § 27-1-15.6-12(b)(9).

COUNT II

13. Respondent's non-resident producer's license was revoked in the state of California.
14. Respondent's conduct is subject to action under Indiana Code § 27-1-15.6-12(b)(9).

COUNT III

15. Respondent failed to notify the Department of the administrative action in the state of California within thirty (30) days of the final disposition of that matter.
16. Respondent's conduct is in violation of Indiana Code § 27-1-15.6-17(a).
17. Respondent's conduct is subject to action under Indiana Code § 27-1-15.6-12(b)(2)(A).

COUNT IV

18. Respondent's application for licensure in the state of South Dakota was denied.
19. Respondent's conduct is subject to action under Indiana Code § 27-1-15.6-12(b)(9).

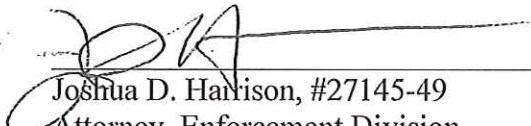
COUNT V

20. Respondent failed to notify the Department of the license denial in the state of South Dakota.
21. Respondent's conduct is in violation of Indiana Code § 27-1-15.6-17(a).
22. Respondent's conduct is subject to action under Indiana Code § 27-1-15.6-12(b)(2)(A).
23. Indiana Code 27-1-15.6-12(f) states that in addition to denial, suspension, or revocation, the Commissioner may impose a civil penalty up to ten thousand dollars (\$10,000.00) for violation of Indiana Code 27-1-15.6-12.

WHEREFORE, the Enforcement Division of the Indiana Department of Insurance, by counsel, Joshua D. Harrison, requests that the Commissioner issue an order that states:

- (1) Respondent's non-resident producer's license is permanently revoked;
 - (2) Respondent shall pay a civil penalty in the amount of one thousand dollars (\$1,000.00);
- and all other relief necessary and proper upon the premise.

Respectfully submitted,

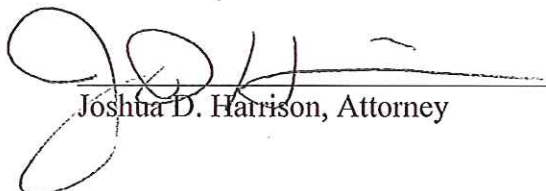


Joshua D. Harrison, #27145-49
Attorney, Enforcement Division

Indiana Department of Insurance
311 West Washington Street, Suite 103
Indianapolis, IN 46204-2787
Phone: (317) 232-2422
Facsimile: (317) 234-2103

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served upon the following Respondent by
United States first class mail, postage prepaid, this 9 day of July, 2015.



Joshua D. Harrison, Attorney

Harold Muhammad
605 Winterfield Dr, #1107
Hutto, TX 78634

VIA CERTIFIED MAIL: 91 7190 0005 2720 0046 4405