

STATE OF INDIANA )  
 )  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 13947-AD15-0324-012

IN THE MATTER OF: )  
 )  
Insurance Producer License )  
Application of: )  
 )  
Angela Fisher )  
6126 Compton Street #16 )  
Indianapolis, IN 46220 )  
 )  
Applicant )

**FILED**

JAN 22 2016

STATE OF INDIANA  
DEPT. OF INSURANCE

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**FINAL ORDER**

On November 9, 2015, the Administrative Law Judge, Amy L. Beard, filed her corrected 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. Applicant filed a timely objection with the Commissioner regarding the Administrative Law Judge's Findings of Fact, Conclusions of Law and Recommended Order.

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 is UPHeld.
2. Applicant is DENIED an insurance producer license.

ALL OF WHICH IS ORDERED by the Commissioner this 22 day of January, 2016.



Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Copies to:

Angela Fisher  
6126 Compton Street #16  
Indianapolis, IN 46220

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

STATE OF INDIANA )  
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COUNTY OF MARION )  
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BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE  
CAUSE NUMBER: 13947-AD15-0324-012

IN THE MATTER OF: )  
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Insurance Producer License )  
Application of: )  
 )  
ANGELA FISHER )  
6126 Compton Street #16 )  
Indianapolis, IN 46220, )  
 )  
Petitioner. )

**FILED**  
NOV 09 2015  
STATE OF INDIANA  
DEPT. OF INSURANCE

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND SECOND 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 Angela Fisher under Cause Number 13947-AD15-0324-012. This matter came to be heard telephonically by the ALJ at the Indiana Department of Insurance, 311 West Washington Street, Indianapolis, Indiana, on May 13, 2015.

The Petitioner, Angela Fisher, (“Petitioner”) appeared without legal counsel. The Respondent, the Indiana Department of Insurance (“Department”), was represented at the administrative hearing by legal counsel, Brigitte Collier. At the 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 February 27, 2015, the Petitioner submitted an application for an insurance producer license (“Application”) to the Department. *Exhibit 1 (“Ex. 1”).*

2. On April 10, 2015, the Commissioner issued a Preliminary Administrative Order and Notice of License Denial (“Denial Order”) denying the Petitioner’s Application. The Petitioner’s request for licensure was denied for failing to disclose two (2) administrative actions and the withheld adjudication of a felony on her Application. *Denial Order.*

3. On or about April 16, 2015, the Petitioner requested a hearing to determine the reasonableness of the Commissioner’s decision to deny the Petitioner’s Application. *Notice of Hearing.*

4. An administrative hearing in this matter was held on May 13, 2015, at 1:00 p.m.

### **Petitioner’s Failure to Disclose Felony Judgment Withheld**

5. On her Application, the Petitioner answered “no” to question one (1), which states, “Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?” *Ex. 1; Tr. at p. 15.*

6. Calla Dain, an investigator for the Department, testified at the administrative hearing in this matter. Ms. Dain had reviewed the Petitioner’s Application. *Tr. at p. 12-13.*

7. Ms. Dain testified that her investigation revealed that the Petitioner had a withheld adjudication for a felony in 2006 from the State of Florida. On April 26, 2006, in the Circuit Court in Hillsborough County, Florida, Case No. 04-CF0018782, the Petitioner pled guilty to one (1) count of Obtaining Property for a Worthless Check of More Than \$150, a felony of the third degree. Adjudication of guilt was withheld. *Ex. 2; Tr. at p. 17.*

### **Petitioner's Failure to Disclose State of Florida Administrative Matters**

8. On her Application, the Petitioner also answered "no" to question two (2), which states, "Have you ever been named or involved as a party in an administrative proceeding, including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration?" *Ex. 1; Tr. at p. 15.*

9. Ms. Dain testified that her investigation revealed a Settlement Stipulation, Consent Order, and Order of Suspension between the Petitioner and the State of Florida's Department of Financial Services related to the Petitioner's application for licensure to the Florida Bureau of Licensing in 2014. *Tr. at p. 17-18; Exhibit 3 ("Ex. 3"); Exhibit 4 ("Ex. 4"); Exhibit 5 ("Ex. 5").*

10. On March 11, 2014, the Petitioner had submitted an application for licensure as a nonresident general lines agent and a nonresident, life, health, and variable annuity agent to the Florida Bureau of Licensing. The Petitioner failed to disclose her 2006 withheld felony adjudication on her application. *Ex. 3.*

11. On June 5, 2014, the Florida Department of Financial Services issued a Consent Order granting the Petitioner a license and ordering the Petitioner to pay an administrative penalty of \$1500 within thirty (30) days. *Ex. 3.*

12. The Petitioner violated the Consent Order by failing to pay the administrative penalty of \$1500 within thirty (30) days. The Florida Department of Financial Services immediately suspended the Petitioner's license for a period of sixty (60) days without automatic reinstatement. *Ex. 3; Ex. 4; Ex. 5.*

13. The Petitioner testified at the hearing that she "did not comply" and failed to pay the \$1500. *Tr. at p. 39.*

14. 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. §§ 27-1-15.6 *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 I.C. § 4-21.5-3 *et seq.*

3. The Petitioner received notice of the Preliminary Administrative Order and Notice of License Denial, in compliance with I.C. § 4-21.5-3-1.

4. The requirements for an insurance producer are stated in I.C. § 27-1-15.6.

5. Pursuant to I.C. § 27-1-15.6-12(b)(6), the Commissioner may refuse to issue an insurance producer license to a person for having been convicted of a felony.

6. On April 26, 2006, in the Circuit Court in Hillsborough County, Florida, Case No. 04-CF0018782, the Petitioner pled guilty to one (1) count of Obtaining Property for a Worthless Check of More Than \$150, a felony of the third degree. Adjudication of guilt was withheld.

7. Pursuant to I.C. § 27-1-15.6-12(b)(1), the Commissioner may refuse to issue an insurance producer license to a person for "[p]roviding incorrect, misleading, incomplete, or materially untrue information in a license application."

8. The Petitioner had applied for a license from the Florida Department of Financial Services, but failed to disclose her 2006 withheld felony adjudication. The Florida Department of Financial Services ordered the Petitioner to pay an administrative penalty of \$1500. The Petitioner failed to pay the \$1500 penalty as ordered.

9. The Petitioner failed to disclose both her withheld felony adjudication for

Obtaining Property for a Worthless Check of More Than \$150 with the State of Florida, and administrative actions with the Florida Department of Financial Services, on her Application to the Department.

10. Thus, the Petitioner has failed to meet a requirement of licensure, as stated in I.C. § 27-1-15.6-12(b)(1).

11. The Petitioner has not met her burden of proof and shown that the Denial Order was in error.

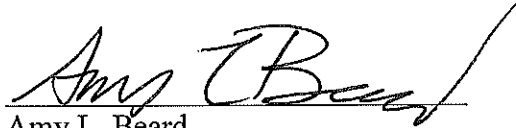
12. Findings of Fact that can be adopted as Conclusions of Law are hereby incorporated herein as such.

**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 Insurance Producer License shall be upheld.
2. The Petitioner shall be DENIED licensure as an insurance producer.

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

  
Amy L. Beard  
Administrative Law Judge

Distribution:

ANGELA FISHER  
6126 Compton Street #16  
Indianapolis, IN 46220

BRIGITTE COLLIER  
Attorney, Enforcement Division

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



STATE OF INDIANA )  
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COUNTY OF MARION )  
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BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE  
CAUSE NUMBER: 13947-AD15-0324-012

IN THE MATTER OF: )  
 )  
Navigator Certification )  
Application of: )  
 )  
ANGELA FISHER )  
6126 Compton Street #16 )  
Indianapolis, IN 46220, )  
 )  
Petitioner. )

**FILED**  
NOV 04 2015  
STATE OF INDIANA  
DEPT. OF INSURANCE

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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 Angela Fisher under Cause Number 13947-AD15-0324-012. This matter came to be heard telephonically by the ALJ at the Indiana Department of Insurance, 311 West Washington Street, Indianapolis, Indiana, on May 13, 2015.

The Petitioner, Angela Fisher, (“Petitioner”) appeared telephonically and without legal counsel. The Respondent, the Indiana Department of Insurance (“Department”), was represented at the administrative hearing by legal counsel, Brigitte Collier. At the 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 February 27, 2015, the Petitioner submitted an application for certification as a navigator (“Application”) to the Department. *Exhibit 1 (“Ex. 1”).*

2. On April 10, 2015, the Commissioner issued a Preliminary Administrative Order and Notice of License Denial (“Denial Order”) denying the Petitioner’s Application. The Petitioner’s request for certification was denied for failing to disclose two (2) administrative actions and the withheld adjudication of a felony on her Application. *Denial Order.*

3. On or about April 16, 2015, the Petitioner requested a hearing to determine the reasonableness of the Commissioner’s decision to deny the Petitioner’s Application. *Notice of Hearing.*

4. An administrative hearing in this matter was held on May 13, 2015, at 1:00 p.m.

### **Petitioner’s Failure to Disclose Felony Judgment Withheld**

5. On her Application, the Petitioner answered “no” to question one (1), which states, “Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?” *Ex. 1; Tr. at p. 15.*

6. Calla Dain, an investigator for the Department, testified at the administrative hearing in this matter. Ms. Dain had reviewed the Petitioner’s Application. *Tr. at p. 12-13.*

7. Ms. Dain testified that her investigation revealed that the Petitioner had a withheld adjudication for a felony in 2006 from the State of Florida. On April 26, 2006, in the Circuit Court in Hillsborough County, Florida, Case No. 04-CF0018782, the Petitioner pled guilty to one (1) count of Obtaining Property for a Worthless Check of More Than \$150, a felony of the third degree. Adjudication of guilt was withheld. *Ex. 2; Tr. at p. 17.*

### **Petitioner’s Failure to Disclose State of Florida Administrative Matters**

8. On her Application, the Petitioner also answered “no” to question two (2), which states, “Have you ever been named or involved as a party in an administrative proceeding, including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration?” *Ex. 1; Tr. at p. 15.*

9. Ms. Dain testified that her investigation revealed a Settlement Stipulation, Consent Order, and Order of Suspension between the Petitioner and the State of Florida’s Department of Financial Services related to the Petitioner’s application for licensure to the Florida Bureau of Licensing in 2014. *Tr. at p. 17-18; Exhibit 3 (“Ex. 3”); Exhibit 4 (“Ex. 4”); Exhibit 5 (“Ex. 5”).*

10. On March 11, 2014, the Petitioner had submitted an application for licensure as a nonresident general lines agent and a nonresident, life, health, and variable annuity agent to the Florida Bureau of Licensing. The Petitioner failed to disclose her 2006 withheld felony adjudication on her application. *Ex. 3.*

11. On June 5, 2014, the Florida Department of Financial Services issued a Consent Order granting the Petitioner a license and ordering the Petitioner to pay an administrative penalty of \$1500 within thirty (30) days. *Ex. 3.*

12. The Petitioner violated the Consent Order by failing to pay the administrative penalty of \$1500 within thirty (30) days. The Florida Department of Financial Services immediately suspended the Petitioner’s license for a period of sixty (60) days without automatic reinstatement. *Ex. 3; Ex. 4; Ex. 5.*

13. The Petitioner testified at the hearing that she “did not comply” and failed to pay the \$1500. *Tr. at p. 39.*

14. 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 I.C. § 4-21.5-3 *et seq.*
3. The Petitioner received notice of the Preliminary Administrative Order and Notice of License Denial, in compliance with I.C. § 4-21.5-3-1.
4. The requirements for a navigator are stated in I.C. § 27-19-4-3.
5. Pursuant to I.C. § 27-19-4-3(a)(8), a navigator must not have been convicted of a felony.
6. On April 26, 2006, in the Circuit Court in Hillsborough County, Florida, Case No. 04-CF0018782, the Petitioner pled guilty to one (1) count of Obtaining Property for a Worthless Check of More Than \$150, a felony of the third degree. Adjudication of guilt was withheld.
7. Pursuant to I.C. § 27-19-4-3(a)(1), a navigator must not provide incorrect, misleading, incomplete, or materially untrue information in an application for certification.
8. The Petitioner had applied for a license from the Florida Department of Financial Services, but failed to disclose her 2006 withheld felony adjudication. The Florida Department of Financial Services ordered the Petitioner to pay an administrative penalty of \$1500. The Petitioner failed to pay the \$1500 penalty as ordered.
9. The Petitioner failed to disclose both her withheld felony adjudication for Obtaining Property for a Worthless Check of More Than \$150 with the State of Florida, and administrative actions with the Florida Department of Financial Services, on her Application to

the Department.

10. Thus, the Petitioner has failed to meet a requirement of certification, as stated in I.C. § 27-19-4-3(a)(1).

11. The Petitioner has not met her burden of proof and shown that the Denial Order was in error.

12. 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 Certification Denial shall be upheld.
2. The Petitioner shall be DENIED certification as a navigator.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 4 day of November 2015.

  
Amy L. Beard  
Administrative Law Judge

Distribution:

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BRIGITTE COLLIER  
Attorney, Enforcement Division  
Indiana Department of Insurance  
311 West Washington Street, Suite 103  
Indianapolis, Indiana 46204

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 13947-AD15-0324-012

IN THE MATTER OF: )

INSURANCE PRODUCER LICENSE )  
APPLICATION OF: )

Angela Fisher, )  
6126 Compton St #16 )  
Indianapolis, IN 46220 )

Type of Agency Action: Enforcement. )

**FILED**

JUN 04 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 by June 3, 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 Angela Fisher ("Applicant"). This matter came to be heard by Amy Beard, on May 13, 2015 at 1:10 p.m. at the Indiana Department of Insurance.

The Enforcement Division of the Indiana Department of Insurance ("Department") was represented by counsel, Brigitte Collier. 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 producer's license on February 27, 2015.

2. On April 10, 2015, the Department filed its "Preliminary Administrative Order and Notice of License Denial" ("the Order").

3. The Order noted that on the application, the Applicant failed to disclose that she had two (2) administrative actions and the withheld adjudication of a felony.

4. Citing Indiana Code § 27-1-15.6-12(b)(1), the application was denied due to her failure to disclose the Administrative Actions.

5. Citing Indiana Code § 27-1-15.6-12(b)(9), the application was also denied due to having been convicted of a felony.

6. The Order further notified the Applicant that should she wish for a review of this decision, she must notify the Department within sixty-three (63) days.

7. The Applicant notified the Department that she wished to have a hearing on the matter.

8. A hearing was conducted on May 13, 2015 with the Applicant present without legal counsel and the Department represented by attorney Brigitte Collier.

9. During the hearing, the Applicant admitted to not disclosing the administrative actions and the withheld adjudication of a felony on her application.

10. The Applicant stated in regards to the administrative actions in Florida, that her "understanding was that there was no license provided and therefore no administrative action" to report.

11. The Department entered into evidence exhibit 1 as a copy of Applicant's application for licensure that was submitted to the Department.

12. The Department entered into evidence Exhibit 2 as a copy of Applicant's chronological case summary from the State of Florida's public court system showing the April 26, 2006 disposition of Applicant's withheld adjudication of a felony.

13. Furthermore, the Department then entered into evidence Exhibit 3 as a copy of Applicant's first administration action, the Settlement Stipulation for Consent Order from the State of Florida Department of Financial Services ("State of Florida"), conditionally approving Applicant's nonresident general lines agent and nonresident life, health and variable annuity agent licenses.

14. The Department also entered into evidence Exhibit 5 as a copy of Applicant's second administration action, the Order of Suspension, issued by the State of Florida for her failure to meet the conditions of Florida her license approval.

#### **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 § 27-1-15.6-12(b) states that the Commissioner may deny a license application due to a number of factors.

5. Specifically Indiana Code § 27-1-15.6-12(b)(1) states that the Commissioner may deny a license for providing incorrect, misleading, incomplete, or materially untrue information in a license application.

6. Specifically Indiana Code § 27-1-15.6-12(b)(6) states that the Commissioner may deny a license for having been convicted of a felony.

7. 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.

8. 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.”

9. Applicant’s non disclosure of her two administrative actions and the withheld adjudication of a felony warrant license denial under Indiana Code § 27-1-15.6-12(b)(1).

10. 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.

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Amy Beard  
Administrative Law Judge

Distribution:

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Indianapolis, IN 46220

Brigitte Collier, Attorney  
Indiana Department of Insurance  
311 W. Washington St., Suite 300  
Indianapolis, IN 46204

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

Cause No.: 13947-AD15-0324-012

IN THE MATTER OF: )  
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INSURANCE PRODUCER LICENSE )  
APPLICATION OF: )  
 )  
Angela Fisher, )  
6126 Compton St #16 )  
Indianapolis, IN 46220 )

**FILED**

APR 10 2015

STATE OF INDIANA  
DEPT. OF INSURANCE

**PRELIMINARY ADMINISTRATIVE ORDER**  
**AND NOTICE OF LICENSE DENIAL**

The Indiana Department of Insurance, pursuant to the Indiana Administrative Act, Indiana Code §4-21.5-1 et seq. and Indiana Code §27-1-15.6-12, hereby gives notice to Angela Fisher (“Applicant”) of the following Administrative Order:

1. Applicant filed an application for licensure with the Commissioner of the Indiana Department of Insurance (“Commissioner”) on February 27, 2015.
2. Before approving an application, the Commissioner must find that the applicant has met specific requirements under Indiana Code §27-1-15.6-6 and Indiana Code §27-1-15.6-12.
3. Indiana Code §27-1-15.6-12(b) provides, in part, that the Commissioner may refuse to issue or renew an insurance producer license for providing incorrect, misleading, incomplete, or materially untrue information in a license application.
4. Following a review of materials submitted by Applicant in support of his application, the Commissioner being fully advised, now hereby notifies Applicant that he has not fully met the requirements of licensure as stated by Indiana Code §27-1-15.6-12 due to her failure to disclose 2 administrative actions and the withheld adjudication of a felony on her application for licensure.

5. Indiana Code §27-1-15.6-12(d) provides that the applicant or licensee may, not more than sixty-three (63) days after notice of denial of the applicant's application or non renewal of the licensee's license is mailed, make written demand to the commissioner for a hearing before the commissioner to determine the reasonableness of the commissioner's action.

**IT IS THEREFORE ORDERED** that the Applicant's request for licensure is hereby DENIED pursuant to Indiana Code §27-1-15.6-12 (b).

4-10-15  
Date Signed

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

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Indianapolis, IN 46220

Calla Dain, Insurance Investigator  
Indiana Department of Insurance  
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Indianapolis, IN 46204  
317 234-8687, fax 317 234-2103

**CERTIFIED MAIL RECEIPT: 9214 8901 0661 5400 0052 9523 84**