

STATE OF INDIANA     )  
                                  )  
COUNTY OF MARION    )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 14519-AD15-0831-030

IN THE MATTER OF:     )  
                                  )  
Insurance Producer License     )  
Application of:             )  
                                  )  
Jonathan Lundberg             )  
391 Grand Ave. #107            )  
St. Paul, MN 55102            )  
                                  )  
Applicant                     )

**FILED**

JAN 29 2016

STATE OF INDIANA  
DEPT. OF INSURANCE

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**FINAL ORDER**

On January 5, 2016, the Administrative Law Judge, Reuben B. Hill, filed his 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 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 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 refusal to renew Applicant's Indiana Producer License is affirmed.

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 29 day of January, 2016.

A handwritten signature in dark ink, appearing to read "Stephen W. Robertson", with a long horizontal flourish extending to the right.

Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Copies to:  
Jonathan Lundberg  
391 Grand Ave. #107  
St. Paul, MN 55102

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.: 14519-AD15-0831-030

IN THE MATTER OF:

INSURANCE PRODUCER LICENSE  
APPLICATION OF:

Jonathan Lundberg  
391 Grand Ave #107  
St Paul, MN 55102

Type of Agency Action: Enforcement

**FILED**

JAN 05 2016

STATE OF INDIANA  
DEPT. OF INSURANCE

**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. The Enforcement Division timely submitted its Proposed Findings of Fact, Conclusions of Law, and Recommended Order.

Administrative Law Judge Reuben B. Hill, having considered and reviewed all of the evidence, will now render a decision in the matter of Applicant Jonathan Lundberg ("Applicant"). This matter came to be heard by Judge Reuben B. Hill, on October 8, 2015 at 12:00 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 telephonically 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 August 18, 2015.

2. On September 1, 2015, the Department filed its "Preliminary Administrative Order and Notice of License Denial" ("the Order").

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

4. The Order noted that on the application, the Applicant disclosed that he had been convicted of possess pornographic work – computer/disk/electronic/magnet optical/image with pornography, a Class A misdemeanor.

5. Citing Indiana Code § 27-1-15.6-12(b)(8), the application was denied due to having been convicted of possess pornographic work, which demonstrates dishonest practices, or untrustworthiness or financial irresponsibility in the conduct of business in Indiana or elsewhere.

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

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

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



9. During the hearing, the Applicant admitted to having been convicted of possess pornographic work when he was 18 years old.

10. The Department entered into evidence State exhibit B as a copy of Applicant's Criminal Judgement and Warrant Commitment from the State of Minnesota County of Chisago 10<sup>th</sup> Judicial District.

11. The Department entered into evidence State exhibit C as a copy of Applicant's Complaint from the State of Minnesota County of Chisago Prosecutor's office.

12. The Department also entered into evidence State Exhibit D as a copy of Applicant's Recommendation of Supervising Agency and Order of the Court Discharging Probationer-Stay of Imposition from the State of Minnesota County of Chisago District court.

13. Exhibits B & D show the charge and disposition of Applicant's criminal conviction including his probabtion and discharge.

14. Exhibit C shows the details of Applicant's actions and probable cause for the charge.

15. The Department then requested that the Court take judicial notice of Indiana Code § 27-1-15.6-12(b)(8) which gives the Commissioner the authority to deny an insurance producer's license request for dishonest practices, or untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.

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

4. Specifically Indiana Code § 27-1-15.6-12(b)(8) states that the Commissioner may deny a license for dishonest practices, or untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.

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. Applicant’s conviction of possess pornographic work- computer/disk electronic/magnet/optical/image with pornography warrant license denial under Indiana Code § 27-1-15.6-12(b)(8).

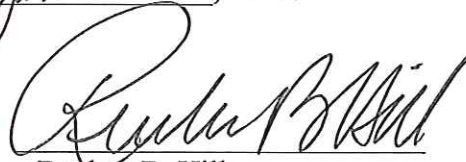
8. Findings of Fact that can be adopted as a Conclusion of Law are hereby incorporated herein as such.

### **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 refusal to renew Applicant's Indiana Producer License be affirmed.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 5<sup>th</sup> day of Jan, 2015.



Reuben B. Hill  
Administrative Law Judge

Distribution:

Jonathan Lundburg  
391 Grand Ave #107  
St. Paul, MN 55102

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

STATE OF INDIANA     )  
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INSURANCE PRODUCER LICENSE         )  
APPLICATION OF:                        )  
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Jonathan Lundberg,                     )  
391 Grand Ave #107                     )  
St Paul, MN 55102                     )

**FILED**

SEP 01 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 Jonathan Lundberg ("Applicant") of the following Administrative Order:

1. Applicant filed an application for licensure with the Commissioner of the Indiana Department of Insurance ("Commissioner") on August 18, 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 demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.
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 his



June 04, 2007 convictions of Possess Pornographic Work -

Computer/Disk/Electronic/Magnet/Optical Image w/Pornography, a Class A

Misdemeanor.

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).

9-1-15  
Date Signed

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

Jonathan Lundburg  
391 Grand Ave #107  
St. Paul, MN 55102

Calla Dain, Insurance Investigator  
Indiana Department of Insurance  
311 W. Washington St., Suite 103  
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317 234-8687, fax 317 234-2103

**Certified Mail Receipt: 91 7190 0005 2720 0048 3383**