

STATE OF INDIANA     )  
                                  )  
COUNTY OF MARION    )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 14713-AG15-1109-286

IN THE MATTER OF:     )  
                                  )  
Insurance Producer License     )  
Application of:                    )  
                                  )  
Kristian Baso                    )  
1900 NW 44<sup>th</sup> St.                )  
Pompano Beach, FL 33064        )  
                                  )  
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 issue 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.

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Copies to:  
Kristian Baso  
1900 NW 44<sup>th</sup> Street  
Pompano Beach, FL 33064

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.: 14713-AG15-1109-286

IN THE MATTER OF:

INSURANCE PRODUCER LICENSE  
APPLICATION OF:

Kristian Baso  
1900 NW 44th St  
Pompano Beach, FL 33064

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 hereby timely submits its 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 Respondent Kristian Baso ("Respondent"). This matter came to be heard by Judge Reuben B. Hill, on December 22, 2015 at 10:35 a.m. at the Indiana Department of Insurance.

The Enforcement Division of the Indiana Department of Insurance ("Department") was represented by counsel, Brigitte Collier. Respondent 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. Respondent is a licensed nonresident insurance producer, holding license number 766601 since August of 2011 ("Respondent's license").
2. Respondent's license expires on December 31, 2015.
3. On July 29, 2011, Respondent submitted an application for licensure.
4. On the application, Respondent failed to disclose his criminal history.
5. On or about October 29, 2015, the Department discovered that Respondent's producer license with the California Department of Insurance was revoked on August 05, 2015.
6. Respondent did not timely report the action to the Department.
7. On November 24, 2015, the Department filed its "Preliminary Administrative Order and Notice of Nonrenewal of License" ("the Order").
8. Service of process was completed via the United States Mail in compliance with the statute and due process requirements.
9. The Order noted that on the application, the Respondent failed to disclose his October 25, 1991 New York felony conviction for attempted robbery and his November 15, 2001 Florida misdemeanor conviction for battery.
10. The Order also noted that Respondent failed to timely report to the Department that his producer's license with the California Department of Insurance was revoked on August 05, 2015.



11. Citing Indiana Code § 27-1-15.6-12(b)(1), the refusal of his license renewal was due to Respondent providing incorrect, misleading, incomplete, or materially untrue information in a license application by his failure to disclose his criminal history to the Department on his application for licensure.

12. Citing Indiana Code § 27-1-15.6-12(b)(6) the refusal of his license renewal was due to having been convicted of a felony.

13. Citing Indiana Code § 27-1-15.6-12(b)(9), the refusal of his license renewal was also due to having an insurance producer's license revoked.

14. Additionally, Indiana Code § 27-1-15.6-17(a), the refusal of his license renewal was due to his failure to timely report to the Commissioner his administrative action, taken against his producer's license, not more than thirty (30) days after the final disposition of the matter.

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

16. The Respondent notified the Department that he wished to have a hearing on the matter.

17. A hearing was conducted on December 9, 2015 with the Respondent present telephonically and without legal counsel and the Department represented by attorney Brigitte Collier.

18. During the hearing, the Respondent admitted to having been convicted of felony attempted robbery twenty (20) years ago and his failures to disclose that information on the application and to timely report his administrative action.

19. The Department entered into evidence State Exhibit 1 as a copy of Respondent's online application that was submitted by Respondent in 2011.

20. The Department entered into evidence State Exhibit 2 as a copy of a letter from Freedom Life Insurance Company, a company Respondent held appointments with, attached with Respondent's Order of Revocation from State of California.

21. The Department also entered into evidence State Exhibits 3 as copy of Respondent's 2001 Florida misdemeanor battery conviction.

22. Exhibit 1 shows the Respondent's producer license application where "no" was entered to the question in regards to having been convicted of a crime.

23. Exhibit 2 shows the Respondent's license revocation and references his felony conviction.

24. Respondent entered into evidence severally exhibits specially, Exhibit A as a copy of his statement explaining his reasoning for not disclosing his criminal background and that once he was made aware of his mistake, he entered all of his criminal history with supporting documents into the National Insurance Producers Registry as required.

25. The Department then requested that the Court take judicial notice of Indiana Code § 27-1-15.6-12(b)(1), which authorizes the Commissioner to refuse to issue a producer's license for providing incorrect, misleading, incomplete, or materially untrue information in a license application.

26. The Department requested that the Court take judicial notice of Indiana Code § 27-1-15.6-12(b)(6), which states that the Commissioner may refuse to renew a producer's license for having been convicted of a felony.

27. The Department also requested that the Court take judicial notice of Indiana Code § 27-1-15.6-12-(b)(9), which authorizes the Commissioner to refuse to issue an insurance producer's license for having an insurance producer's license or its

equivalent, denied, suspended, or revoked in any other state, province, district or territory.

28. The Department then requested that the Court take judicial notice of Indiana Code § 27-1-15.6-17(a), which states that a producer shall report to the Commissioner any administrative action taken against the producer in another jurisdiction or by another governmental agency in Indiana not more than thirty (30) days after the final disposition of the matter.

### **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)(1) states that the Commissioner may refuse to renew a producer's license for providing incorrect, misleading, incomplete, or materially untrue information in a license application.

5. Indiana Code § 27-1-15.6-12(b)(6) states that the Commissioner may refuse renew a producer's license for having been convicted of a felony.

6. Indiana Code § 27-1-15.6-12-(b)(9), states that the Commissioner may refuse to issue an insurance producer's license for having an insurance producer's license or its equivalent, denied, suspended, or revoked in any other state, province, district or territory.



7. Additional, Indiana Code § 27-1-15.6-17(a), states a producer shall report to the Commissioner any administrative action taken against the producer in another jurisdiction or by another governmental agency in Indiana not more than thirty (30) days after the final disposition of the matter.

8. 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.

9. 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.”

10. Respondent’s conviction of felony attempted robbery warrant license renewal denial under Indiana Code § 27-1-15.6-12(b)(6).

11. Respondent’s failure to disclose his criminal history on his application for licensure warrant license renewal denial under Indiana Code § 27-1-15.6-12(b)(1).

12. Furthermore, Respondent’s California revocation of license also warrant license renewal denial under Indiana Code § 27-1-15.6-12(b)(9).

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

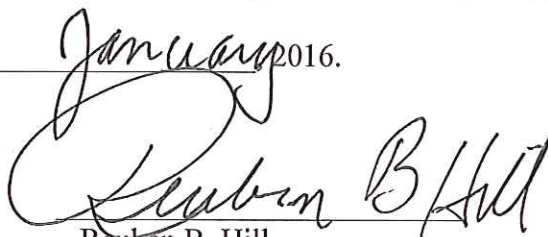


### RECOMMENDED ORDER

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 Respondent's Indiana Producer License be affirmed.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 6<sup>th</sup> day of January 2016.

  
Reuben B. Hill  
Administrative Law Judge

Distribution:

Kristian Baso  
1900 NW 44th St  
Pompano Beach, FL 33064

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 NUMBER: 14713-AG15-1109-286

IN THE MATTER OF:

Kristian Baso,  
Respondent

1900 NW 44th St  
Pompano Beach, FL 33064

Type of Agency Action: Enforcement

Indiana Insurance License No. 766601

**FILED**

NOV 24 2015

STATE OF INDIANA  
DEPT. OF INSURANCE

**ADMINISTRATIVE ORDER**  
**NOTICE OF NONRENEWAL OF LICENSE**

The Indiana Department of Insurance, pursuant to Indiana Code § 4-21.5-1 *et seq.*, and Indiana Code § 27-1-15.6-12, hereby gives notice to Kristian Baso, ("Respondent") of the following Administrative Order:

1. Respondent, a nonresident of Indiana, is a licensed insurance producer, holding license number 766601 since August of 2011 ("Respondent's license").
2. Respondent's license expires on December 31, 2015.
3. On July 29, 2011, Respondent submitted an application for licensure.
4. On the application, Respondent failed to disclose his October 25, 1991 New York felony conviction for attempted robbery and his November 15, 2001 Florida misdemeanor conviction for battery.
5. On or about October 29, 2015, the Enforcement Division discovered that Respondent's producer's license with the California Department of Insurance was revoked on August 05, 2015.
6. Respondent did not timely disclose the action to the Department.

7. Pursuant to Indiana Code § 27-1-15.6-12(b)(1) the commissioner may refuse to renew a producer's license for providing incorrect, misleading, incomplete, or materially untrue information in a license application.

8. Pursuant to Indiana Code § 27-1-15.6-12(b)(6) the commissioner may refuse to renew a producer's license for having been convicted of a felony.

9. Pursuant to Indiana Code § 27-1-15.6-12(b)(9) the commissioner may refuse to renew a producer's license for having an insurance producer's license or its equivalent, denied, suspended, or revoked in any other state, province, district or territory.

10. Pursuant to Indiana Code § 27-1-15.6-17(a), a producer shall report to the commissioner any administrative action taken against the producer in another jurisdiction or by another governmental agency in Indiana not more than thirty (30) days after the final disposition of the matter.

11. Indiana Code § 27-1-15.6-12(d) requires the Commissioner to notify a licensee of the reason for the nonrenewal of his license. This Order serves as that notice.

12. The Commissioner further notifies Respondent that, pursuant to Indiana Code § 27-1-15.6-12(d), Respondent may, within sixty three (63) days of receiving this Order, make a written demand upon the Commissioner for a hearing to determine the reasonableness of this action. Such a hearing shall be held within thirty (30) days from the date of receipt of Respondent's written demand.

WHEREFORE, based on the foregoing, the Commissioner of Insurance hereby notifies Respondent that **their license shall not be renewed.**

11/24/15  
Date Signed

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Certified Mail Receipt: 91 7190 0005 2720 0051 5596