

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 14829-AD15-1209-056

IN THE MATTER OF: )

NAVIGATOR CERTIFICATION )  
APPLICATION OF: )

**FILED**

Audrey M. Salmon )  
1436 Rosewood Rd )  
Scottsburg, IN 47170 )

JUN 08 2016

STATE OF INDIANA  
DEPT. OF INSURANCE

Type of Agency Action: Enforcement )

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**FINAL ORDER**

On April 1, 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 Respondent by mailing the same to her 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. That the refusal to issue Applicant's Indiana navigator certification is reversed.
2. Applicant's resident navigator certification is granted and placed on probation for a period of two (2) years.

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 8 day of June, 2016.



Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Copies to:

Audrey Salmon  
1436 Rosewood Dr  
Scottsburg, IN 47170

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

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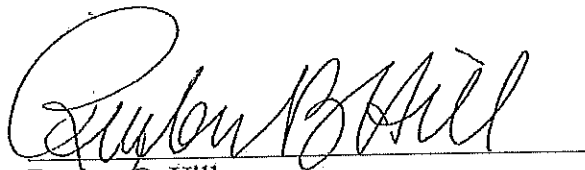
STATE OF INDIANA  
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**NOTICE OF FILING OF RECOMMENDED ORDER**

The parties of this action are hereby notified that the Administrative Law Judge's

Recommended Order is deemed filed as of this date.

To preserve an objection to this order for judicial review, you must object to the order in a writing that: 1) identifies the basis for your objection with reasonable particularity; and 2) is filed with the ultimate authority for the Final Order, the Commissioner of the Department of Insurance within eighteen (18) days from the date of this Order.



Reuben B. Hill  
Administrative Law Judge

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**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND RECOMMENDED ORDER**

Administrative Law Judge Reuben B. Hill, having considered and reviewed all of the evidence, now renders a decision in the matter of the Navigator Certification Application of Audrey M. Salmon ("Respondent"). This matter came to be heard by the Administrative Law Judge at the Indiana Department of Insurance, 311 W. Washington St, Indianapolis IN.

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 navigator certification's license on November 2, 2015.
2. On December 18, 2015, the Department filed its "Preliminary Administrative Order and Notice of Certification 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 she had been convicted of domestic battery-spouse, a Class A Misdemeanor in January 2015.
5. Citing Indiana Code § 27-19-4-3, the Applicant's application was denied due to having been convicted of misdemeanor domestic battery-spouse.
6. The Order further notified the Applicant that should she wish for a review of the decision, she must notify the Department within fifteen (15) days.
7. The Applicant notified the Department that she wished to have a hearing on the matter.
8. A hearing was conducted on February 4, 2016 with the Applicant present in person and without legal counsel and the Department represented by attorney Brigitte Collier.

9. During the hearing, the Applicant admitted to having been convicted of misdemeanor domestic battery-spouse for scratching her now ex-husband while defending herself during a domestic altercation when he tried to choke her.

10. The Department entered into evidence State Exhibit 1 as a copy of Applicant's chronological criminal record, showing Applicant's misdemeanor domestic battery-spouse conviction.

11. The Department entered into evidence State Exhibit 2 as a copy of Applicant's plea agreement dated January 8, 2015 from the Scott Superior Court.

12. The Department also entered into evidence State Exhibit 3 as a copy of Applicant's written statement to the Department explaining the reasons for her misdemeanor domestic battery-spouse conviction.

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13. Applicant entered into evidence Exhibit A as a copy of the Notification of Release from Probation dated January 27, 2016, showing that she had successfully completed her probation and is now released from probation.

14. Applicant also entered into evidence a total of three (3) Exhibits consisting of character reference letters from her employer, first ex-husband and friend.

15. Applicant states that her actions was not intentional, she was defending herself while being choked by her ex-husband.

16. Applicant also provide a copy of the police report which corroborated her account of the incident that resulted in her misdemeanor conviction.

17. The police report states that both parties were arrested because of conflicting statements; however, Ms. Salmon had "obvious marks" which included "redness/swelling on the front of her neck."

18. Applicant further stated that this was the first and only time she has been in a situation like. She also stated that she is still attending the women's group and helping other young women who are going through domestic battery situations.

### 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 § 27-19-4-3(a)(8) states that a navigator must not have been convicted of a felony or other crimes determined by the commissioner.

4. 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.

5. 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."

6. Applicant's conviction of a Class A misdemeanor domestic battery-spouse warrants license denial under Indiana Code § 27-19-4-3(a)(8).

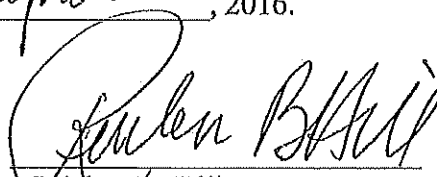
7. Findings of Fact that can be adopted as a Conclusion of Law are hereby incorporated herein as such.

**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 issue Applicant's Indiana navigator certification be reversed due to the facts that Applicant's action was a result of selfdefense; Applicant has successfully completed the terms of her probation; Applicant has no other criminal convictions; and Applicant has taken actions to better her life by immediately obtaining a divorce from her ex-husband.
  
2. Applicant's resident navigator certification shall be granted and placed on probationary status for a period of two (2) years.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 1<sup>st</sup> day of April, 2016.

  
\_\_\_\_\_  
Reuben B. Hill  
Administrative Law Judge

Distribution:

Audrey Salmon  
1436 Rosewood Dr  
Scottsburg, IN 47170

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



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707 S Mansfield Dr )  
Scottsburg, IN 47170 )

**FILED**

DEC 18 2015

STATE OF INDIANA  
DEPT. OF INSURANCE

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

The Indiana Department of Insurance, pursuant to the Indiana Administrative Act, Indiana Code §4-21.5-1 *et seq.* and Indiana Code §27-19-4, hereby gives notice to Audrey M. Salmon (“Applicant”) of the following Administrative Order:

1. Applicant filed an application for certification with the Commissioner of the Indiana Department of Insurance (“Commissioner”) on November 02, 2015.
2. Before approving an application, the Commissioner must find that the applicant has met specific requirements under Indiana Code §27-19-4-3 and Indiana Code §27-19-4-5.
3. Indiana Code §27-19-4-3 provides, in part, that if a person is a navigator, must not have been convicted of a felony or other crimes determined by the commissioner.
4. Following a review of materials submitted by Applicant in support of his application, the Commissioner being fully advised, now hereby notifies Applicant that she has not fully met the requirements of licensure as stated by Indiana Code §27-19-4-3(a)(8) for her January 08, 2015 conviction for Domestic Battery - Spouse, a Class A Misdemeanor.

5. Should Applicant wish for the Commissioner to review this decision, Applicant must, within fifteen (15) days after receiving notice of this Order, file a written petition with the Commissioner. This petition must state facts demonstrating that Applicant:

(A) is a person to whom this Order is specifically directed;

(B) is aggrieved or adversely affected by this Order; or

(C) is entitled to review under any law

6. If a petition for review is granted, the Department shall assign the matter to an administrative law judge to conduct informal proceedings to settle the matter.

**IT IS THEREFORE ORDERED** that the Applicant's request for certification is hereby DENIED pursuant to Indiana Code §27-19-4-5.

12-18-15

Date Signed



Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

Audrey M. Salmon  
707 S Mansfield Dr  
Scottsburg, IN 47170

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

**Certified Mail Receipt: 91 7190 0005 2720 0053 0261**