

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 14894-AD16-0106-001

IN THE MATTER OF:

INSURANCE PRODUCER LICENSE
APPLICATION OF:

Adrianna Coco
227 Sunlite Ct
Portage, IN 46368

Type of Agency Action: Enforcement

FILED

JUN 23 2016

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On May 12, 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 Producer License be reversed due to the facts that Applicant voluntarily admitted her crime before she was accused of theft; has successfully completed the terms of her probation; has taken complete responsibility for the crime committed; has no other criminal convictions; has taken actions to better her life; and will seek to expunge her criminal conviction upon meeting the required five (5) year waiting period in 2018.

2. Applicant's resident producer license is granted and placed on probationary status 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 23 day of June, 2016.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Adrienna Coco
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Portage, IN 46368

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

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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, will now render a decision in the matter of Applicant Adrienna Coco ("Applicant"). This matter came to be heard by Judge Reuben B. Hill, on February 10, 2016 at 10:34 a.m. Eastern Time 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 November 29, 2015.
2. On January 12, 2016, 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 she had been convicted of theft, a Class A Misdemeanor in October 2013.
5. Citing Indiana Code § 27-1-15.6-12(b)(8), the Applicant's application was denied due to having been convicted of theft which demonstrates untrustworthiness or financial irresponsibility in the conduct of business in Indiana or elsewhere.
6. The Order further notified the Applicant that should she wish for a review of the 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 February 10, 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 theft, a Class A Misdemeanor for stealing from her employer, Best Buy, when she took three (3) videos and five hundred dollars (\$500.00) in cash from her cash register.

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

11. The Department entered into evidence State Exhibit 2 as a copy of Applicant's Affidavit for Probable Cause from the Porter Superior Court, detailing the facts of Applicant's crime of theft.

12. The Department also entered into evidence State Exhibit 3 as a copy of Applicant's written statement to Best Buy, dated March 23, 2013, showing Applicant's voluntary admission to stealing money from the cash register to help pay for her rent.

13. Applicant entered into evidence a total of twelve (12) Exhibits consisting of character reference letters from employers and colleagues and numerous intent to hire letters.

14. Applicant states that she takes full responsibility for her actions and knows that there is no rational explanation for such action.

15. Applicant provided documentation to show that she successfully completed her probation on September 29, 2014 and will seek to get her misdemeanor conviction expunged in 2018 when she will have met the five (5) years waiting period requirement.

16. Applicant further stated that she has been working full time while going to school full time and has learned from her unfortunate bad decision making when she was nineteen (19) years old. She is now engaged and committed to better her future. She also makes time to volunteer in her community.

17. Applicant requested that if her license is granted, that such license should be placed on a probationary status so that she will prove that such violation of Indiana Title 27 will not reoccur.

18. 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 using dishonest practices, or demonstrating 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 refuse to issue a producer's license for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, 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 a Class A misdemeanor theft warrants 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.

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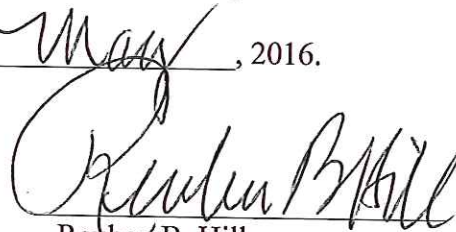
RECOMMENDED ORDER

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 Producer License be reversed due to the facts that Applicant voluntarily admitted her crime before she was accused of theft; has successfully completed the terms of her probation; has taken complete responsibility for the crime committed; has no other criminal convictions; has taken actions to better her life; and will seek to expunge her criminal conviction upon meeting the required five (5) year waiting period in 2018.

2. Applicant's resident producer license 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 12th day of May, 2016.



Reuben B. Hill
Administrative Law Judge

Distribution:

Adrienna Coco
227 Sunlite Ct.
Portage, IN 46368

Brigitte Collier, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 300
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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 Adrienna Coco ("Applicant") of the following Administrative Order:

1. Applicant filed an application for licensure with the Commissioner of the Indiana Department of Insurance ("Commissioner") on November 29, 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 using fraudulent, coercive, or dishonest practices, or 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 her 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 §27-1-15.6-12 due to her October 17, 2013 conviction for Theft, a Class A Misdemeanor.

6. 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 Applicant's request for licensure is hereby **DENIED** pursuant to Indiana Code §27-1-15.6-12 (b).

1-12-14
Date Signed


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

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