

STATE OF INDIANA     )  
                              ) SS:  
COUNTY OF MARION    )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 15297-AD16-0525-035

IN THE MATTER OF:     )  
                              )  
INSURANCE PRODUCER LICENSE     )  
APPLICATION OF:             )  
                              )

Christina M. Ferguson  
621 Lake Land Blvd.  
Mattoon, IL 61938

Applicant.

**FILED**

SEP 19 2016

STATE OF INDIANA  
DEPT. OF INSURANCE

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**FINAL ORDER**

On August 17, 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. The refusal to issue Applicant's Indiana producer license is affirmed.

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 19 day of September, 2016.

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Copies to:

Christina M. Ferguson  
621 Lake Land Blvd.  
Mattoon, IL 61938

Cathleen Nine-Altevogt, Attorney  
Indiana Department of Insurance  
311 W. Washington St., Suite 300  
Indianapolis, IN 46204

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AUG 17 2016

STATE OF INDIANA  
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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 Christina M. Ferguson ("Applicant"). This matter came to be heard by Judge Reuben B. Hill, on June 29, 2016 at 10:00 a.m. The hearing was conducted at the Indiana Department of Insurance at 311 West Washington Street.

The Enforcement Division of the Indiana Department of Insurance ("Department") was represented by counsel, Cathleen Nine-Altevogt. Applicant appeared over the phone and without legal counsel. Evidence was heard and exhibits were received into evidence.

Based upon the evidence presented at the hearing, the Administrative Law Judge now makes the following Findings of Fact, Conclusions of Law, and issues the Recommended Order.

**FINDINGS OF FACT**

1. On April 12, 2016, Applicant submitted to the Department an application for a nonresident producer's license.

2. On June 3, 2016, the Department filed its Preliminary Administrative Order and Notice of License Denial based on Applicant's failure to reveal on her license application a Stipulation and Consent Order issued by the State of Illinois Department of Insurance ("Illinois Order"), contrary, in part, to Indiana Code § 27-1-15.6-12(b).

3. The Order further notified the Applicant that should she wish for a review of the license denial, she must notify the Department within sixty-three (63) days; the Applicant notified the Department that she wished to have a hearing on the matter.

4. A hearing was conducted on June 29, 2016 with the Applicant over the phone, without legal counsel, and the Department represented by attorney, Cathleen Nine-Altevogt.

5. During the hearing, Applicant admitted to entering into the Illinois Order.

6. The Illinois Order, which was entered into evidence, was issued by the Illinois Department of Insurance on June 24, 2013.

7. According to Applicant's testimony, she emailed herself client information from her former employer's customer management database before leaving employment there.

8. Applicant planned to use the client information for her new job where she is the insurance agency owner.

9. Applicant emailed herself information regarding 79 clients and 99 policies.

10. Applicant testified that she was a contractor and received poor legal advice from an attorney friend regarding whether a contractor could send themselves client information upon termination of the employment relationship.

11. Applicant did not receive legal advice when completing her April 12, 2016 Indiana license application.



12. According to the Illinois Order, Applicant also solicited insurance business under an assumed name that was not reported to the Illinois Department of Insurance.

13. Applicant, per the Illinois Order, paid a \$5,000 fine and was banned for two years from soliciting policies from the 79 consumers whose information she took.

14. Applicant testified that she did not disclose the Illinois Order on her Indiana application because she thought the question, asking whether she had ever been named or involved as a party in an administrative proceeding regarding a professional license, only applied to matters that went to hearing.

15. Applicant believed that her Illinois Order, and the resulting fine and prohibition on soliciting certain business, did not qualify as an administrative hearing.

16. Applicant admitted that she did not read the entire application question which further defined being "involved" as being assessed a fine.

17. Applicant testified that she thought the Commissioner's decision to deny her application might be related to improper coding by the Illinois Department which had her Illinois case disposition listed as "untrustworthy and incompetent."

18. The Applicant offered exhibit "A," a written letter explaining that she felt the Illinois Order was an investigation and not a sanction and that the Illinois Department had improperly coded her case.

19. Applicant offered exhibit "B," a copy of her Indiana license application with several handwritten notes indicating why she felt she had answered the Indiana application question correctly.

20. Applicant also offered exhibit "C," an email from the Illinois Department of Insurance saying they changed the reporting code on her case disposition to reflect a consent order and a monetary penalty instead of "untrustworthy and incompetent."

21. The Department entered into evidence exhibit 1, a copy of Applicant's licensing application, and exhibit 2, the Illinois Order.

### **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 deny a license for providing incorrect, misleading, incomplete, or materially untrue information in a license application.

5. Indiana Code § 4-21.5-3-14(c) states that the person requesting an agency take action has the burden of persuasion and the burden of going forward; here, Applicant is requesting that the Department issue her nonresident producer license and, therefore, bears the burden.

6. Applicant's failure to disclose her June 24, 2013 Illinois administrative proceeding warrants license denial under Indiana Code § 27-1-15.6-12(b)(1).


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 producer license be affirmed.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 17 day of August, 2016.

  
Reuben B. Hill  
Administrative Law Judge

Distribution:

Christina M. Ferguson  
621 Lake Land Blvd.  
Mattoon, IL 61938

Cathleen Nine-Altevogt, Attorney  
Indiana Department of Insurance  
311 W. Washington St., Suite 300  
Indianapolis, IN 46204

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Christina M. Ferguson                 )  
512 Lake Land Blvd                    )  
Mattoon, IL 61938                     )

**FILED**

JUN 03 2016

STATE OF INDIANA  
DEPT. OF INSURANCE

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

The Indiana Department of Insurance, pursuant to the Indiana Administrative Orders and Procedures Act, Indiana Code §4-21.5-1 *et seq.* and Indiana Code §27-1-15.6-12, hereby gives notice to Christina M. Ferguson ("Applicant") of the following Administrative Order:

1. Applicant filed an application for nonresident licensure with the Commissioner of the Indiana Department of Insurance ("Commissioner") on April 12, 2016.
2. Before approving an application, the Commissioner must find that the applicant has met specific requirements under Indiana Code §27-1-15.6-8 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 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




failure to disclose a June 24, 2013 Consent Order issued by the Illinois Department of Insurance in her application for licensure.

6. Indiana Code §27-1-15.6-12(d) provides that the applicant may, not more than sixty-three (63) days after notice of denial of the application 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) for her failure to disclose an administrative action in a license application.

6-3-16  
Date Signed

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution to:

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Mattoon, IL 61938

Calla Dain, Insurance Investigator  
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