

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER of INSURANCE

CAUSE NUMBER:15329-AG16-0505-116

IN THE MATTER OF:)

Daniel Markey)

2020 Andrew St)
Fort Wayne, IN 46808)

Producer License Number: 678790)

Type of Action: Enforcement)

FILED

SEP 09 2016

STATE OF INDIANA
DEPT. OF INSURANCE

ORDER REVOKING BAIL AGENT LICENSE

The Commissioner, having reviewed the Enforcement Division's Motion to Revoke Bail Agent License, now GRANTS said motion. Therefore, Respondent's bail agent license, number 678790, is hereby **immediately revoked**. Respondent may not reapply for a license until ten (10) years from the date of conviction or release from imprisonment, parole, or probation, whichever is later.

So Ordered this 9 day of September, 2016.


Stephen W. Robertson
Commissioner

Distribution:

Daniel Markey
618 S Calhoun St.
Fort Wayne, IN 46802

Cathleen Nine-Altevogt, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204

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STATE OF INDIANA
DEPT. OF INSURANCE

MOTION TO REVOKE BAIL AGENT LICENSE

Comes now the Enforcement Division (“Division”), by its counsel, Cathleen Nine-
Altevogt, and shows the Commissioner as follows:

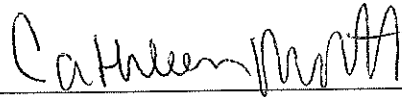
1. On August 30, 2016, Respondent pled guilty to three (3) counts of felony child molesting; one (1) count of felony child exploitation; and one (1) count of felony possession of child pornography in Allen County Superior Court.

2. Ind. Code §27-10-3-8(d) states: “The Commissioner shall revoke the license of any person who is convicted of a disqualifying offense [as defined by Indiana Code §27-10-1-6] immediately upon conviction. The pending of sentencing or the pending of an appeal of a conviction of a disqualifying offense does not stay the revocation of a license under this subsection.”

3. Ind. Code §27-10-3-8(d) further states: "A person convicted of a felony is not eligible to reapply for a license until ten (10) years from the date of conviction or release from imprisonment, parole, or probation, whichever is later."

WHEREFORE, the Division, by its counsel, Cathleen Nine-Altevogt, respectfully requests that the Commissioner issue an order revoking Respondent's bail agent license per the terms of Ind. Code §27-10-3-8(d).

Respectfully Submitted,



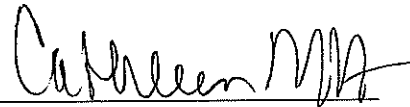
Cathleen Nine-Altevogt
Attorney, Enforcement Division
Attorney No. 32706-49

Indiana Department of Insurance
311 W. Washington Street, Suite 103
Indianapolis, IN 46204
232-2422 - telephone
234-2103 - facsimile

CERTIFICATE OF SERVICE

This is to certify that the foregoing has been served upon Respondent by depositing a copy of same in the United States Mail, first class postage prepaid, this 15th day of September, 2016.

Daniel Markey
618 S Calhoun St.
Fort Wayne, IN 46802



Cathleen Nine-Altevogt
Attorney #32706-49

Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204

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AUG 03 2016

STATE OF INDIANA
DEPT. OF INSURANCE

STATEMENT OF CHARGES

The Enforcement Division of the Indiana Department of Insurance (the "Department"), pursuant to the Indiana Administrative Orders and Procedures Act, Indiana Code Section 4-21.5-1 *et seq.*, and the Indiana bail law, Indiana Code Section 27-10-3-9 *et seq.*, files its Statement of Charges against Daniel Markey ("Respondent"), licensed bail agent in the State of Indiana:

FACTS

1. Daniel Markey ("Respondent") is a licensed resident bail agent holding license number 678790.
2. Said license was suspended by Order of the Commissioner on May 5, 2016 under this cause number.
3. On May 2, 2016, Respondent was charged in Allen County, Indiana under cause number 02D05-1605-MC-001069, with seven (7) counts of Felony 1 Child Molesting Where

Defendant Is At Least 21 Years Of Age, one (1) count of Felony 3 Vicarious Sexual Conduct But Where One Child Is Less Than 14 Years Old, two (2) counts of Felony 4 Child Molesting Fondling Or Touching With Child Under 14, and two (2) counts of Felony 5 of Child Exploitation With The Intent To Satisfy/Arouse Sexual Desires.

4. On June 3, 2016, Allegheny Casualty Company sent a letter to the Department informing the Commissioner that Respondent's appointment with their company had been terminated. Respondent is not appointed with any other insurance companies.

5. Pursuant to Indiana Code §27-10-3-8(a)(1), the Commissioner *shall* suspend or revoke a license under this article for any cause which issuance of a license could have been refused had it then existed and been known to the Commissioner. (emphasis added)

6. Indiana Code §27-10-3-3 requires that applicants for a bail agent's license be "of good moral character."

7. Indiana Code §27-10-3-8(a)(7)(B) states that the Commissioner may suspend or revoke a license when the licensee has demonstrated conduct "rendering the licensee unfit to carry on the bail bond business or making the licensee's continuance in such business detrimental to the public interest."

8. Indiana Code §27-10-3-13(2) requires a bail agent to return their license to the Commissioner for cancellation within thirty (30) days if they have discontinued writing bail bonds.

COUNT I

9. Respondent's conduct, as alleged in the charging information and probable cause affidavit filed in Allen County on May 2, 2016 shows that he lacks "good moral character."

10. Respondent's conduct is cause for disciplinary action in violation of Indiana Code §27-10-3-3.

COUNT II

11. Respondent's conduct, as outlined in Exhibit 1, indicates that the Respondent is unfit to carry on the bail bond business and/or Respondent's continuance in such business is detrimental to public interest.

12. Respondent's conduct is cause for disciplinary action in violation of Indiana Code §27-10-3-8(a)(7)(B).

COUNT III

13. Respondent has failed to return his bail agent license to the Commissioner within thirty (30) days after having discontinued writing bail bonds.

14. Respondent's conduct is in violation of Indiana Code §27-10-13-3(2)

15. Respondent's conduct is cause for disciplinary action under Indiana Code §27-10-3-8(a)(2).

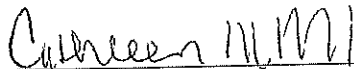
16. Pursuant to Indiana Code §27-10-3-9(a), the Commissioner has determined that Respondent has violated the laws of this state relating to bail bonds, as alleged herein, and accordingly is providing this notice to Respondent and all appointed surety companies.

17. To contest the allegations contained herein, Respondent must make a written response to the charges as well as request a hearing on the matter. Should Respondent fail to

make such a written response, the Commissioner shall enter judgment against him pursuant to Indiana Code 27-10-3-9(b).

WHEREFORE, the Department by counsel, Cathleen Nine-Altevogt, requests that the Commissioner, in accordance with Indiana Code §27-10-3-3, §27-10-3-8(a)(7)(B) and §27-10-3-13 (2), revoke the bail bond agent license of Respondent, impose a civil penalty up to the amount of ten thousand dollars (\$10,000.00), and all other relief just and proper on the premise.

Respectfully submitted,



Cathleen Nine-Altevogt
Attorney No. 32706-49

Indiana Department of Insurance
311 West Washington Street, Suite 103
Indianapolis, IN 46204-2787
(317)232-2422-telephone
(317)234-2103-facsimile

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served upon the above-captioned Respondent by United States first class mail, postage prepaid, this 3rd day of August, 2016.

Daniel Markey
2020 Andrew St.
Fort Wayne, IN 46808

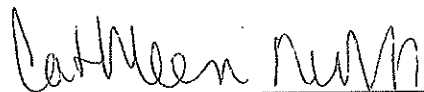
**CERTIFIED MAIL # 91 7190 0005 2720 0062 3581
RETURN RECEIPT REQUESTED**

Daniel Markey
4511 W Shenandoah Circle
FORT WAYNE, IN 46835

**CERTIFIED MAIL # 91 7190 0005 2720 0062 3598
RETURN RECEIPT REQUESTED**

Daniel Markey
C/O Allen County Jail
1 E Main St.
Courthouse Room 100
Fort Wayne, IN 46802

**CERTIFIED MAIL # 91 7190 0005 2720 0062 3604
RETURN RECEIPT REQUESTED**



Cathleen Nine-Altevogt, # 32706-49

Indiana Department of Insurance
Enforcement Division
311 West Washington Street, Suite # 103
Indianapolis, Indiana 46204-2787
TELEPHONE-(317) 234-5888
FAX - (317) 234-2103

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BEFORE THE INDIANA
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CAUSE NUMBER: 15329-AG16-0505-116

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Producer License Number: 678790)

Type of Action: Enforcement)

FILED

MAY 05 2016

STATE OF INDIANA
DEPT. OF INSURANCE

ORDER GRANTING EMERGENCY LICENSE SUSPENSION

The Commissioner of the Indiana Department of Insurance (“Commissioner”), having reviewed the Enforcement Division’s Motion for Emergency License Suspension, and being otherwise duly advised, now finds as follows:

FINDINGS OF FACT

1. Daniel Markey (“Respondent”) is a licensed resident bail agent, holding license number 678790.
2. On May 2, 2016, Respondent was charged in Allen County, Indiana under cause number 02D05-1605-MC-001069, with seven (7) counts of Felony 1 Child Molesting Where Defendant Is At Least 21 Years Of Age, one (1) count of Felony 3 Vicarious Sexual Conduct But

Where One Child Is Less Than 14 Years Old, two (2) counts of Felony 4 Child Molesting Fondling Or Touching With Child Under 14, and two (2) counts of Felony 5 of Child Exploitation With The Intent To Satisfy/Arouse Sexual Desires.

CONCLUSIONS OF LAW

1. The Department of Insurance ("Department") is authorized to regulate the business of bail agents in Indiana under Indiana Code §27-10 et seq.
2. Pursuant to Indiana Code §27-10-3-8, the Commissioner shall suspend or revoke a license under this article for any cause which issuance of a license could have been refused had it then existed and been known to the Commissioner.
3. Indiana Code §27-10-3-3 requires that applicants for a bail agent's license be of good moral character.
4. Indiana Code §27-10-3-8(a)(7)(B) states that the Commissioner may suspend or revoke a license when the licensee has demonstrated conduct rendering the licensee unfit to carry on the bail bond business or making the licensee's continuance in such business detrimental to the public interest.
5. The conduct, as established in the probable cause affidavit and charging information, show a violation of both Indiana Code §27-10-3-3 and Indiana Code §27-10-3-8(a)(7)(B).
6. An emergency exists given the very serious nature of the allegations against Respondent.

7. Under Indiana Code §4-21.5-4-2(a)(1), the Commissioner may, in an emergency, issue orders without notice or an evidentiary proceeding.

8. Pursuant to Indiana Code §4-21.5-4-2, an emergency order remains effective for ninety (90) days commencing on the date the order is issued.

9. Upon issuance of an emergency order, the Respondent may request a hearing as quickly as practicable under Indiana Code §4-21.5-4-4.

ORDER

IT IS THEREFORE ORDERED BY THE COMMISSIONER, that Respondent's resident bail agent's license under license number 678790 is hereby SUSPENDED.

Pursuant to Indiana Code §4-21.5-4-2, this order remains effective for 90 days commencing on the date this order is issued.

Respondent is further notified of his right to a hearing concerning this order as quickly as practicable under Indiana Code §4-21.5-4-4.

INDIANA DEPARTMENT OF INSURANCE


Stephen W. Robertson,
Commissioner Signed May 5, 2016

Distribution to:

Brigitte R. Collier, Legal Counsel
Indiana Department of Insurance
311 W. Washington St. Ste 103
Indianapolis, IN 46402

Daniel Markey
2020 Andrew St.
Fort Wayne, IN 46808

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STATE OF INDIANA
DEPT. OF INSURANCE

MOTION FOR EMERGENCY LICENSE SUSPENSION

The Enforcement Division of the Indiana Department of Insurance (“Department”), pursuant to Indiana Code §27-10-3 et seq. and Indiana Code §4-21.5-4 et seq., files its Motion for an Emergency License Suspension against Daniel Markey and states:

1. Daniel Markey (“Respondent”) is a licensed resident bail agent, holding license number 678790.

2. On May 2, 2016, Respondent was charged in Allen County, Indiana under cause number 02D05-1605-MC-001069, with seven (7) counts of Felony 1 Child Molesting Where Defendant Is At Least 21 Years Of Age, one (1) count of Felony 3 Vicarious Sexual Conduct But Where One Child Is Less Than 14 Years Old, two (2) counts of Felony 4 Child Molesting Fondling Or Touching With Child Under 14, and two (2) counts of Felony 5 of Child Exploitation With The Intent To Satisfy/Arouse Sexual Desires.

3. The Probable Cause affidavit in this matter filed under FWPD Control # 16F055095 establishes that the Fort Wayne Police Department used an undercover task force officer to communicate with Respondent, who provided to the officer photographic evidence of him committing the acts described in the charges.

4. Pursuant to Indiana Code §27-10-3-8, the Commissioner *shall* suspend or revoke a license under this article for any cause which issuance of a license could have been refused had it then existed and been known to the Commissioner. (emphasis added)

5. Indiana Code §27-10-3-3 requires that applicants for a bail agent's license be "of good moral character."

6. Indiana Code §27-10-3-8(a)(7)(B) states that the Commissioner may suspend or revoke a license when the licensee has demonstrated conduct "rendering the licensee unfit to carry on the bail bond business or making the licensee's continuance in such business detrimental to the public interest."

7. The Department believes that the conduct, as charged by the Allen County Prosecutor, shows a violation of both Indiana Code §27-10-3-3 and Indiana Code §27-10-3-8(a)(7)(B).

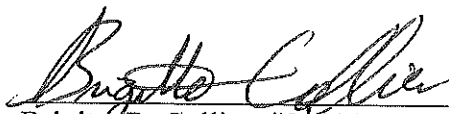
8. The Department further contends that an emergency exists given the very serious nature of the allegations made by the Allen County Prosecutor against Respondent.

9. Under Indiana Code §4-21.5-4-2(a)(1), the Commissioner may, in an emergency, issue orders without notice or an evidentiary proceeding.

10. Pursuant to Indiana Code §4-21.5-4-2, an emergency order remains effective for ninety (90) days commencing on the date the order is issued.

11. Upon issuance of an emergency order, the Respondent may request a hearing as quickly as practicable under Indiana Code §4-21.5-4-4.

WHEREFORE, the Enforcement Division requests that the Commissioner issue an Emergency License Suspension against Respondents under Indiana Code §4-21.5-4-2, and for all other necessary and proper relief.



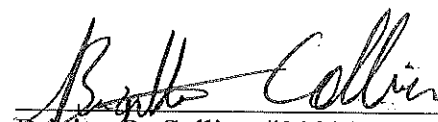
Brigitte R. Collier, #31931-32
Legal Counsel, Enforcement Division

Indiana Department of Insurance
311 West Washington Street, Suite 103
Indianapolis, IN 46204-2787
(317)232-2422-telephone
(317)234-2103-facsimile

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served upon the above-captioned Respondent by United States first class mail, postage prepaid, this 5th day of May, 2016.

Daniel Markey
2020 Andrew St.
Fort Wayne, IN 46808



Brigitte R. Collier, #31931-32
Legal Counsel, Enforcement Division