

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER:13536-AG16-0208-027

IN THE MATTER OF:

Blan Naki Dickerson
3475 N. 1100 E.
Sheridan, IN 46069

License Number: 773920

FILED

DEC 08 2016

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On October 28, 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 his 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 nonrenewal of the Respondent's resident insurance producer application 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 8 day of December, 2016.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Blan Naki Dickerson
3475 N. 1100 E.
Sheridan, IN 46069

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

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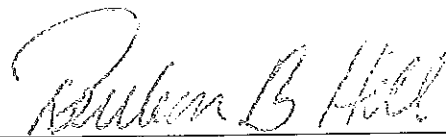
OCT 28 2016

STATE OF INDIANA
DEPT. OF INSURANCE

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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COUNTY OF MARION)

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FINDINGS OF FACT, CONCLUSIONS OF LAW
AND RECOMMENDED ORDER

Administrative Law Judge Reuben Hill, having considered and reviewed all of the evidence, will now render a decision in the matter of Blan Naki Dickerson ("Respondent"). This matter came to be heard by Administrative Law Judge Reuben Hill, on June 29, 2016 and, after the matter was continued, on August 3, 2016 at the Indiana Department of Insurance at 311 West Washington Street, Indianapolis, Indiana.

The Enforcement Division of the Indiana Department of Insurance ("Department") was represented by counsel, Cathleen Nine-Altevogt. Respondent appeared in person and without counsel for the first hearing but failed to appear at the second hearing where a default judgment was issued against Respondent. Evidence was heard and exhibits were received into evidence during both hearings.

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

FINDINGS OF FACT

1. On September 1, 2011, Respondent obtained his insurance producer license.
2. On March 11, 2016, the Department filed its Administrative Order Notice of Nonrenewal of License ("Nonrenewal Order").
3. The Nonrenewal Order notified the Respondent that, should he wish for a hearing regarding the Nonrenewal Order, he must notify the Department; Respondent notified the Department that he wanted a hearing on the matter.
4. On April 30, 2016, Respondent's insurance producer license expired.
5. On May 5, 2016, a Notice of Hearing was filed scheduling Respondent's hearing on May 25, 2016 and notifying the Respondent that should he fail to appear, he may be held in default or have the proceedings dismissed pursuant to Indiana Code § 4-21.5-3-24.
6. Respondent's hearing was rescheduled several times upon request of both the Department and Respondent.
7. On June 29, 2016, a hearing was held in the matter and Respondent appeared in person, without counsel; the hearing was continued at Respondent's request so he could review certain exhibits from the Department that he had not previously seen.
8. Respondent received all the Department's exhibits during the June 29 hearing and signed that he had received the exhibits.
9. Respondent suggested August 3, 2016 at 10 a.m., as the new date and time for the hearing.

10. The Administrative Law Judge declared on the record and in Respondent's presence that the hearing would recommence at the date and time suggested by the Respondent.

11. On July 7, 2016, a Notice of New Hearing Date was filed setting the matter for August 3 and proper notice was sent to Respondent.

12. On August 3, 2016, Respondent failed to appear at the hearing.

13. The Administrative Law Judge proceeded with a default judgment and the Department presented additional testimony and one additional exhibit that was not presented at the earlier hearing.

14. On December 8, 2014, the Department received a consumer complaint that Respondent had misappropriated money in the course of doing insurance business by failing to remit the consumer's premium money to National Indemnity Company.

15. National Indemnity confirmed they never received two thousand three hundred thirty eight dollars and eighty cents (2,338.80) in premium money for the consumer's policy and that Respondent never reimbursed the missing money.

16. While licensed as an insurance producer, Respondent failed to disclose to the Department his criminal proceeding in Marion County. On May 23, 2013, Respondent was charged with felony and misdemeanor domestic battery, misdemeanor battery, and felony criminal confinement; those charges were later dismissed.

17. While licensed as an insurance producer, Respondent failed to disclose to the Department a pending criminal proceeding in Monroe County, a September 5, 2015 misdemeanor charge of Operating a Vehicle While Intoxicated.

18. On June 7, 2016, Respondent's insurance producer license in Ohio was revoked based on the allegations of misappropriation contained in the previously referenced consumer complaint.

19. Respondent owes the State of Indiana approximately three thousand six hundred dollars (\$3,600) in personal tax liability.

20. An investigator with the Department discovered that Respondent's social security number is linked to a car dealership, Blan Dickerson Indy Auto LLC., which owes over three hundred thousand dollars (\$300,000) in business taxes to the State of Indiana.

CONCLUSIONS OF LAW

1. The Commissioner of Insurance has jurisdiction over both the subject matter and the parties to this action.

2. This hearings were held in compliance with the Administrative Orders and Procedures Act of the Indiana Code.

3. Respondent requested a continuance on the record and a new date and time was scheduled while on the record, therefore, a default judgment regarding his absence at the second hearing was appropriate.

4. This order, however, is issued based on the merits of the evidence as presented at both hearings.

5. Indiana Code § 27-1-15.6-12(b) states that the Commissioner may refuse to renew a license application due to a number of factors.

6. Indiana Code § 27-1-15.6-12(b)(4) provides that the Commissioner may nonrenew an insurance producer license for misappropriating money received in the course of doing insurance business.

7. Indiana Code § 27-1-15.6-12(b)(2)(A) provides that the Commissioner may nonrenew an insurance producer license for violating an insurance law. Indiana Code 27-1-15.6-17(b) is an insurance law requiring that a producer report to the Commissioner any criminal prosecution of the producer not more than thirty (30) days after the initial pretrial hearing date.

8. Indiana Code § 27-1-15.6-12(b)(14) provides that the Commissioner may nonrenew an insurance producer license for failing to pay state income tax.

9. 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, Respondent is requesting that the Department renew his resident producer license and, therefore, bears the burden.

10. Respondent's conduct in misappropriating premium money, his violation of insurance law by failing to reveal his criminal proceedings, and his sizeable outstanding tax liabilities warrants the nonrenewal of his license.

11. 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 nonrenewal of the Respondent's resident insurance producer application be affirmed.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 28 day of October, 2016.


Reuben Hill
Administrative Law Judge

Distribution:

Blan Naki Dickerson
3475 N. 1100 E.
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