

**BEFORE THE INDIANA
COMMISSIONER OF INSURANCE**

IN THE MATTER OF:

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STATE OF INDIANA
DEPT. OF INSURANCE

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.

- 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 Applicant is granted a license on a probationary basis 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 December, 2016.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Kelly Randall
702 North Ernest Avenue
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Griffith, Indiana 46319

Cathleen Nine-Altevogt, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 300
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STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER:15518-AD16-0719-056

IN THE MATTER OF:

Kelly L. Randall
702 North Ernest Avenue
Apartment 2
Griffith, Indiana 46319

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STATE OF INDIANA
DEPT. OF INSURANCE

**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 Kelly L. Randall ("Applicant"). This matter came to be heard by Reuben Hill on September 14, 2016 at 11:00 a.m. 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. Applicant appeared in person and without 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. On July 6, 2016, Applicant applied for her resident insurance producer license.

2. On July 29, 2016, the Department filed its Preliminary Administrative Order and Notice of License Denial.

3. Applicant disclosed on her insurance producer application two November 22, 2006 Cook County, Illinois felony convictions: Possession of a Controlled Substance and Possession of a Controlled Substance with Intent to Deliver.

4. On April 11, 2005, Applicant and three others were arrested after they were found with hundreds of ecstasy pills; she was convicted of Possession of a Controlled Substance and sentenced to a year probation.

5. On March 22, 2006, while on probation, Applicant was arrested for Possession of a Controlled Substance with Intent to Deliver after she was found with approximately three (3) or four (4) grams of cocaine.

6. On November 22, 2006, Applicant's probation was revoked and her criminal cases were combined to show two felony convictions.

7. Applicant was sentenced to 120-days at the Impact Incarceration Program ("Impact"), a drug rehabilitation boot camp.

8. Applicant spent approximately a year in Cook County Jail because of her probation violation and then she was sent to Impact.

9. On May 11, 2007, Applicant successfully completed Impact.

10. Applicant stated that she was working at a bar where drug use was encouraged at the time of her arrests.

11. Applicant has been sober since March 2006 and is still in contact with her addiction recovery sponsor.

12. Applicant has not been arrested since March 22, 2006.

13. Applicant is currently employed as a property manager and works for Tranont, a company that brokers services for clients, including life insurance.

14. Applicant hopes to sell life insurance.

15. Applicant introduced three letters attesting to her character and professionalism from friends and co-workers.

16. Ray Kosinski, a Tranont employee, testified on behalf of the Applicant and stated that she is a positive influence on him and others.

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 refuse to issue an insurance producer license, due to a number of factors.

4. Specifically, Indiana Code § 27-1-15.6-12(b)(6) provides that the Commissioner may refuse to issue a license if an applicant has been convicted of a felony.

5. Applicant's conduct in being convicted of Possession of a Controlled Substance and Possession of a Controlled Substance with Intent to Deliver is a violation of Indiana Code § 27-1-15.6-12(b)(6) but mitigating factors include the length of time since her convictions, her lack of subsequent arrests, her long period of sobriety, and Applicant's career trajectory.

6. 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 resident producer license and, therefore, bears the burden.

7. Because of Applicant's criminal history and the previously mentioned mitigating factors, Applicant should be issued a probationary license.

8. 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 that Applicant be granted her license on a probationary basis for a period of two years.

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

A handwritten signature in black ink, appearing to read "Reuben Hill", written over a horizontal line.

Reuben Hill
Administrative Law Judge

Distribution:

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STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

Cause No.: 15518-AD16-0719-056

IN THE MATTER OF:)
)
INSURANCE PRODUCER LICENSE)
APPLICATION OF:)
)
Kelly L. Randall)
702 N. Ernest Ave Apt 2)
Griffith, IN 46319)

FILED

JUL 29 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 Kelly L. Randall ("Applicant") of the following Administrative Order:

1. Applicant filed an application for resident licensure with the Commissioner of the Indiana Department of Insurance ("Commissioner") on July 06, 2016.
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 an insurance producer license for having been convicted of a felony.
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 November 22, 2006 Illinois convictions for Possession of a Controlled Substance and Possession of a Controlled Substance with Intent to Deliver, Class 1 Felonies.

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 having been convicted of two (2) felonies.

7-29-16
Date Signed


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

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