

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 15564-AD16-0809-065

IN THE MATTER OF: )

INSURANCE PRODUCER LICENSE )  
APPLICATION OF: )

Jordan M. Smith )  
820 Franklin St. Apt. 4 )  
Columbus, IN 47201 )

Applicant. )

**FILED**

DEC 08 2016

STATE OF INDIANA  
DEPT. OF INSURANCE

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**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 refusal to issue Applicant's Indiana producer license is affirmed and Applicant shall not re-apply for licensure for six months.

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:

Jordan Smith  
820 Franklin St. Apt. 4  
Columbus, IN 47201

Cathleen Nine-Altevogt, 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 Jordan M. Smith ("Applicant"). This matter came to be heard by Judge Reuben B. Hill on September 21, 2016. 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 in person 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 July 28, 2016, Applicant submitted to the Department an application for a resident insurance producer's license.

2. On August 12, 2016, the Department filed its Preliminary Administrative Order and Notice of License Denial denying Applicant's licensure.

3. During the hearing, Applicant admitted to having one felony and three misdemeanor convictions.

4. On January 31, 2012, Applicant was convicted of Class A Misdemeanor Conversion in Monroe County, Indiana.

5. Applicant admitted that the conversion involved the contents of a purse.

6. On October 22, 2012, Applicant was convicted of Class D Felony Operating While Intoxicated ("OWI") in Bartholomew County, Indiana.

7. On February 28, 2014, the State of Indiana filed a verified petition to revoke Applicant's probation in the felony OWI matter after he was arrested for an incident with his ex-girlfriend and a no contact order was placed against Applicant.

8. Applicant's probation in the OWI matter was terminated as unsuccessful.

9. On March 9, 2015, Applicant was convicted, after a bench trial, of Class A Misdemeanor Battery Resulting in Bodily Injury, and Class B Misdemeanor Disorderly Conduct, in Bartholomew County, Indiana.

10. As a result of the March 9, 2015 convictions, Applicant was sentenced to sixty (60) days of work release and ten (10) months of probation.

11. On or about January 2016, Applicant completed his probation.

12. Applicant admitted that alcohol and marijuana use were a factor in his battery and disorderly conduct convictions.

13. Applicant stated he has not used marijuana for a year and that he occasionally drinks wine with his family.



14. Applicant contends that he has made major positive changes in his life and that he no longer struggles with substance abuse issues, which were the cause of his criminal issues.

15. Applicant introduced three letters of recommendation including a letter from the attorney who had represented him in some of his criminal matters, a letter from Applicant's Bible-study leader, and a letter from Applicant's instructor at the Montgomery Insurance School.

16. Applicant has passed the Indiana Property and Casualty State exam and was encouraged by a producer with State Farm to apply for his own producer license.

17. Applicant's father testified that his son is committed to being a producer and has turned his life around.

#### **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)(6) states that the Commissioner may deny a license for having been convicted of a felony.

5. Specifically, Indiana Code § 27-1-15.6-12(b)(8) states that the Commissioner may deny a license for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.

6. Applicant violated Indiana Code § 27-1-15.6-12(b)(6) by his October 22, 2012 conviction of Class D Felony OWI in Bartholomew County, Indiana.

7. Applicant violated Indiana Code § 27-1-15.6-12(b)(8) by his January 31, 2012 conviction of Class A Misdemeanor Conversion and his March 9, 2015 convictions of Class A Misdemeanor Battery Resulting in Bodily Injury and Class B Disorderly Conduct, which demonstrate untrustworthiness and coercive behavior.

8. 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 his resident producer license and, therefore, bears the burden.

9. The serious and recent nature of Applicant's criminal history warrants license denial under Indiana Code §§ 27-1-15.6-12(b)(6) and (b)(8).

10. 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 and Applicant shall not re-apply for licensure for six months from the date of the Final Order in this matter.

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 dark ink, appearing to read "Reuben B. Hill". The signature is fluid and cursive, with the first name "Reuben" being more prominent than the last name "Hill".

Reuben B. Hill

Administrative Law Judge

Distribution:

Jordan Smith  
820 Franklin St. Apt. 4  
Columbus, IN 47201

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

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Columbus, IN 47201             )

**FILED**

AUG 12 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 Jordan M. Smith ("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 28, 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, and 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 his application, the Commissioner being fully advised, now hereby notifies Applicant that he has not fully



met the requirements of licensure as stated by Indiana Code §27-1-15.6-12 due to his October 22, 2012 conviction of Operating While Intoxicated, a Class D Felony; his January 31, 2012 conviction of Conversion, a Class A Misdemeanor; and his March 09, 2015 conviction of Battery, a Class A Misdemeanor.

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 his felony and misdemeanor convictions.

8-12-16  
Date Signed

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution to:

Jordan M. Smith  
820 Franklin St. Apt 4  
Columbus, IN 47201

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Indiana Department of Insurance  
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317 234-8687, fax 317 234-2103

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