

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER:14837-AG16-0322-068

IN THE MATTER OF:

Irina Robison
10975 S. Sterling View Dr.
South Jordan, UT 84095

Respondent.

FILED

MAR 31 2017

**STATE OF INDIANA
DEPT. OF INSURANCE**

FINAL ORDER

On February 24, 2017, 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 Nonrenewal of License of Applicant is affirmed.
2. Applicant shall not reapply 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 31 day of March, 2017.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Irina Robison
10975 S. Sterling View Dr.
South Jordan, UT 84095

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

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FEB 24 2017

**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 Irina Robison (“Applicant”). This matter came to be heard by Reuben Hill on October 5, 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. Applicant appeared by telephone 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. Applicant obtained her Indiana nonresident insurance producer license in 2012.

2. On her license application, Applicant answered “no” to the question regarding whether she had ever been convicted of a crime.

3. On her license application, Applicant answered “no” to the question regarding whether she had ever been named or involved in an administrative proceeding for any professional or occupational license.

4. On July 8, 2016, the Department filed its Notice of Nonrenewal of License due to Applicant’s failure to disclose a misdemeanor conviction on her original 2012 application contrary to Indiana Code § 27-1-15.6-12(b)(1).

5. On September 27, 2016, the Department filed an amended notice of nonrenewal further alleging that Applicant failed to disclose an administrative action against her massage therapy license in Utah.

6. On November 30, 2015, Applicant attempted to renew her nonresident producer license, which had expired in 2014.

7. While attempting to renew her license, Applicant disclosed her February 8, 2010 misdemeanor Unlawful Conduct, Massage Practice conviction in Utah but failed to disclose her April 1, 2010 Surrender Stipulation and Order from the Occupational and Professional Licensing Division of the Department of Commerce in Utah.

8. The Utah Surrender and Stipulation Order mandated that Applicant surrender her massage therapy license and barred her from reapplying for a massage therapy license for a period of two years.

9. Applicant provided emails showing that she did not disclose the administrative matter on her renewal application because she was advised by the licensing

department of OneExchange, her employer, to answer “no” to the question about whether she had been subject to an administrative proceeding.

10. Applicant claims she did not disclose the misdemeanor conviction on her 2012 license application because her employer at the time, without her knowledge, submitted the application on her behalf.

11. Applicant was not aware her license application had been submitted to Indiana until after her producer licensure went into effect.

12. Applicant was also unaware of how much business, if any, she has done with Indiana consumers while licensed in Indiana.

13. When asked if she had been arrested since her 2010 conviction, Applicant replied that she had an August 2015 misdemeanor Driving Under the Influence (“DUI”) conviction.

14. Applicant claimed she had notified the Department of her 2015 DUI conviction.

15. The Department investigator assigned to Applicant’s case was unaware of Applicant’s 2015 DUI conviction and Applicant provided no documentation that she had made the Department aware of this conviction.

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

4. Specifically, Indiana Code § 27-1-15.6-12(b)(1) provides that the Commissioner may refuse to issue a license for “Providing incorrect, misleading, incomplete, or materially untrue information in a license application.”

5. Applicant’s failure to disclose her February 8, 2010 conviction of Unlawful Conduct/Massage Practice on her 2012 license application, demonstrates providing misleading and incorrect information.

6. Applicant’s failure to disclose her April 1, 2010 administrative action on her license application and license renewal, demonstrates providing misleading and incorrect information.

7. Applicant’s failure to disclose an August 2015 DUI to the Department and her lack of awareness regarding her own licensure are aggravating factors.

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 renew her nonresident producer license and, therefore, bears the burden.

9. Because of Applicant’s violation of Indiana Code § 27-1-15.6-12(b)(1) and the previously mentioned aggravating factors, Applicant has not met her burden and her producer license should not be renewed.

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 Notice of Nonrenewal of License be affirmed and Applicant shall not reapply 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 24th day of Feb, 2017.



Reuben Hill
Administrative Law Judge

Distribution:

Irina Robison
10975 S. Sterling View Dr.
South Jordan, UT 84095

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

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 14837-AG16-0322-068

IN THE MATTER OF:

Irina Robison
Respondent

10975 S, Sterling View Dr
South Jordan, UT 84095

License Number: 841843

FILED

SEP 27 2016

STATE OF INDIANA
DEPT. OF INSURANCE

AMENDED ADMINISTRATIVE ORDER
NOTICE OF NONRENEWAL OF LICENSE

The Indiana Department of Insurance, pursuant to the Indiana Administrative Act, Indiana Code 4-21.5-1 *et seq.* and Indiana Code § 27-1-15.6-12, hereby gives notice to Irina Robinson (“Respondent”) of the following Amended Administrative Order:

1. Indiana Code § 27-1-15.6-12(b) provides that “The commissioner may levy a civil penalty, place an insurance producer on probation, suspend an insurance producer’s license, revoke an insurance producer’s license for a period of years, permanently revoke an insurance producer’s license, or refuse to issue or renew an insurance producer license, or take any combination of these actions.”

2. Indiana Code § 27-1-15.6-12(d) provides that when the Commissioner refuses to renew a license, the Commissioner shall notify the Respondent, in writing, of the reasons for the nonrenewal. This order serves as notice.

3. Respondent is a non-resident insurance producer holding license number 841843.

4. Respondent obtained her Indiana insurance producer license on September 25, 2012.
5. On her application, Respondent failed to disclose a February 8, 2010 conviction of unlawful conduct/massage practice in Utah, a Class A misdemeanor.
6. Respondent also failed to disclose an April 6, 2010 Stipulation and Order from the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah where she surrendered her massage therapy license.
7. Respondent's Indiana insurance producer license expired on November 30, 2014.
8. On or around December 4, 2015, Respondent submitted her license renewal application and disclosed her 2010 Utah conviction but she did not disclose the administrative proceeding regarding her massage therapy license.
9. Respondent's conduct is a violation of Indiana Code § 27-1-15.6-12(b)(1), which states that an applicant shall not provide incorrect, misleading, incomplete, or materially untrue information in a license application.

WHEREFORE, based on the foregoing, the Commissioner of Insurance hereby notifies Respondent that **Respondent's license shall not be renewed.**

WHEREFORE, the Commissioner further notifies Respondent that pursuant to Indiana Code §27-1-15.6-12(d), within sixty (60) days of receiving this Notice, Respondent may make a written demand upon the Commissioner for a hearing to determine the reasonableness of this

action. Such a hearing shall be held within thirty (30) days from the date of receipt of
Respondent's written demand.

9-27-16
Date Signed


Stephen W. Robertson
Commissioner
Indiana Department of Insurance

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 14837-AG16-0322-068

IN THE MATTER OF:)

Irian Robison)
Respondent)

10975 S, Sterling View Dr)
South Jordan, UT 84095)

License Number: 841843)

FILED

JUL 08 2016

STATE OF INDIANA
DEPT. OF INSURANCE

ADMINISTRATIVE ORDER
NOTICE OF NONRENEWAL OF LICENSE

The Indiana Department of Insurance, pursuant to the Indiana Administrative Act, Indiana Code 4-21.5-1 *et seq.* and Indiana Code § 27-1-15.6-12, hereby gives notice to Irian Robinson (“Respondent”) of the following Administrative Order:

1. Indiana Code § 27-1-15.6-12(b) provides that “The commissioner may levy a civil penalty, place an insurance producer on probation, suspend an insurance producer’s license, revoke and insurance producer’s license for a period of years, permanently revoke an insurance producer’s license, or refuse to issue or renew an insurance producer license, or take any combination of these actions, ...”

2. Indiana Code § 27-1-15.6-12(d) provides that when the Commissioner refuses to renew a license, the Commissioner shall notify the Respondent, in writing, of the reasons for the nonrenewal.

3. Respondent is a non-resident insurance producer with the State of Utah, holding license number 841843.

4. Respondent's license will expire on November 30, 2014.
5. The Respondent failed to disclose a February 8, 2010 conviction of unlawful conduct/message practice, a Class A misdemeanor.
6. Respondent's conduct is a violation of Indiana Code § 27-1-15.6-12(b)(1), which states that an applicant shall not provide incorrect, misleading, incomplete, or materially untrue information in a license application;

WHEREFORE, based on the foregoing, the Commissioner of Insurance hereby notifies Respondent that **Respondent's license shall not be renewed.**

WHEREFORE, the Commissioner further notifies Respondent that pursuant to Indiana Code §27-1-15.6-12(d), within sixty (60) days of receiving this Notice, Respondent may make a written demand upon the Commissioner for a hearing to determine the reasonableness of this action. Such a hearing shall be held within thirty (30) days from the date of receipt of Respondent's written demand.

7/8/2016
Date Signed


Stephen W. Robertson
Commissioner
Indiana Department of Insurance

Certified Mail Receipt: 91 7190 0005 2720 0061 3339