

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER:15462-AD16-0719-055

IN THE MATTER OF:

INSURANCE PRODUCER LICENSE
APPLICATION OF:

James Crisien Wilson, Sr.
8336 Centenary Dr.
Camby, IN 46113

FILED

FEB 17 2017

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On December 19, 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. That the Applicant's resident producer application be issued on a probationary basis, for the period of two years. During the probationary period, Applicant will, on a quarterly basis, provide the Department's Enforcement Division with a list of all insurance companies he is appointed with and notify the Department immediately if he commits any illegal acts or is arrested.

2. Applicant will pay a civil penalty of five hundred (\$500) dollars within thirty (30) days.

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 17th day of February, 2017.

A handwritten signature in black ink, appearing to read "Stephen W. Robertson", written over a horizontal line.

Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

James Crisien Wilson Sr.
8336 Centenary Dr.
Camby, IN 46113

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:15462-AD16-0719-055

IN THE MATTER OF:

INSURANCE PRODUCER LICENSE
APPLICATION OF:

James Crisien Wilson, Sr.
8336 Centenary Dr.
Camby, IN 46113

FILED

DEC 19 2016

STATE OF INDIANA
DEPT. OF INSURANCE

NOTICE OF FILING MODIFIED 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

**BEFORE THE INDIANA
COMMISSIONER OF INSURANCE**

CAUSE NUMBER:15462-AD16-0719-055

IN THE MATTER OF:

**INSURANCE PRODUCER LICENSE
APPLICATION OF:**

James Crisien Wilson, Sr.
8336 Centenary Dr.
Camby, IN 46113

FILED

DEC 19 2015

STATE OF INDIANA
DEPT. OF INSURANCE

FINDINGS OF FACT, CONCLUSIONS OF LAW AND MODIFIED RECOMMENDED ORDER

Administrative Law Judge Reuben Hill, having considered and reviewed all of the evidence, will now render a decision in the matter of James C. Wilson (“Applicant”). This matter came to be heard by Reuben Hill, on August 24, 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 in person and without legal 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 June 10, 2016, Applicant submitted to the Department an application for a resident insurance producer's license.

2. On his application, Applicant disclosed multiple criminal convictions over a three year period.

3. On July 22, 2016, the Department filed its "Preliminary Administrative Order and Notice of License Denial" ("Denial Order").

4. The Order further notified the Applicant that, should he wish for a hearing regarding the license denial, he must notify the Department; Applicant notified the Department that he wished to have a hearing on the matter.

5. At the hearing and in a statement submitted with his license application, Applicant claims he has turned his life around since his convictions.

6. Applicant was convicted on December 21, 2004 of two felony counts Impersonation of a Public Servant in Marion Superior Court.

7. Applicant contends that he and group of friends pulled over motorists using a badge taken from one of their parents and no one was harmed in the incident.

8. Applicant believes he was convicted of the two felony counts of impersonation, instead of a less serious charge, because he did not have a good attitude at the proceeding.

9. Applicant was eighteen (18) years old at the time of his first conviction.

10. Applicant was convicted on January 3, 2005 of Misdemeanor Domestic Battery in Marion Superior Court.

11. The domestic battery conviction involved a fight between Applicant and the mother of his child where Applicant claims he was restraining her as she hit him.

12. Applicant was also convicted on July 12, 2006 of Felony Burglary in Marion County Superior Court.

13. Applicant contends that he fell into the wrong crowd and he believed the items taken in the burglary belonged to his friend.

14. Applicant was sentenced to fifteen years in the Department of Corrections ("DOC"), with two years on parole for the burglary.

15. Applicant served seven and a half years (7.5) in the DOC and was released in 2013.

16. On September 14, 2014, Applicant was early released from his parole.

17. After Applicant was released from prison in 2013, he founded a nonprofit called Circle Up Indy which works with troubled youth in Indianapolis.

18. In total, five character witnesses testified that Applicant is actively involved in the betterment of the community and is a trustworthy person.

19. These character witnesses included an Indianapolis City Councilman, Applicant's counselor in prison, an insurance agent whose company wants to hire Applicant as an agent, and a Circle Up Indy volunteer.

20. Applicant's prison counselor testified that she was impressed at how Applicant has changed and that he is forthcoming about his criminal past.

21. Applicant also volunteers at OpportunIndy an organization which helps young people at risk of incarceration and is involved in prison re-entry programs.

22. Applicant introduced twelve letters of recommendation from community leaders attesting to his good character.

23. Applicant has a job lined up as an insurance agent if he is able to obtain licensure.

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 a license application or place a license on probation due to a number of factors.

4. Specifically, Indiana Code § 27-1-15.6-12(b)(8) provides that the Commissioner may deny or place an insurance producer license on probation for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility.

5. Applicant used coercive practices and demonstrated untrustworthiness as evidenced by his 2005 domestic battery conviction.

6. Specifically, Indiana Code § 27-1-15.6-12(b)(6) provides that the Commissioner may deny or place an insurance producer license on probation for having been convicted of a felony.

7. Applicant was convicted of felony burglary in 2006 and felony impersonation of a public servant in 2004.

8. Indiana Code § 27-1-15.6-12(f) allows the Commissioner to impose a civil penalty, not more than ten thousand dollars (\$10,000), after a hearing.

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, Applicant is requesting that the Department issue his resident producer license and, therefore, bears the burden.

10. Applicant has demonstrated with substantial evidence that in the ten years since his last conviction he has changed his life and does not appear to be a danger to Indiana consumers, therefore, probation and a civil penalty are appropriate.

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 Applicant's resident producer application be issued on a probationary basis, for the period of two years from the date of filing the Final Order in this matter. During the probationary period, Applicant shall, on a quarterly basis, provide the Department's Enforcement Division with a list of all insurance companies he is appointed with and notify the Department immediately if he commits any illegal acts or is arrested.

2. Applicant shall pay a civil penalty of five hundred (\$500.00) dollars within thirty (30) days of the Commissioner's final order.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 19th day of December, 2016.

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

Reuben Hill
Administrative Law Judge

Distribution:

James Crisien Wilson Sr.
8336 Centenary Dr.
Camby, IN 46113

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 No.: 15462-AD16-0719-055

IN THE MATTER OF:)
)
INSURANCE PRODUCER LICENSE)
APPLICATION OF:)
)
James Crisien Wilson Sr.)
8336 Centenary Dr)
Camby, IN 46113)

FILED

JUL 22 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 James Crisien Wilson Sr. ("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 June 10, 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 using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere, and for having been convicted of a felony.
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


December 21, 2004 convictions for two (2) counts of Impersonation of a Public Servant, Class D Felonies; his September 03, 2014 conviction for Burglary, a Class B Felony; and his January 03, 2005 conviction for Domestic Battery, a Class A Misdemeanor which demonstrates fraudulent, coercive or dishonest practices or demonstrates incompetence.

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) due to his misdemeanor conviction, and for having been convicted of three (3) felonies.

7-22-16

Date Signed


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution to:

James Crisien Wilson Sr.
8336 Centenary Dr
Camby, IN 46113

Calla Dain, Insurance Investigator
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204
317 234-8687, fax 317 234-2103

Certified Mail Receipt: 91 7190 0005 2720 0061 8006