

STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF MARION    )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER:15572-AD16-0816-067

IN THE MATTER OF:

Timothy J. Morgan  
955 S. Durkin Street, Ste. E  
Springfield, IL 62704

Respondent.

**FILED**

MAR 31 2017

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

On February 3, 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 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. Respondent's license denial is affirmed.
2. Respondent is not permitted to reapply for a period of one (1) year.
3. Respondent is to pay a civil penalty of One Thousand (\$1,000.00) dollars within sixty (60) 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 31 day of March, 2017.

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Copies to:

Timothy J. Morgan  
955 S. Durkin St., Ste. E  
Springfield, IL 62704

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

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FEB 03 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, and being duly advised in the premises will now render a decision in the matter of Timothy J. Morgan ("Applicant").

This matter came to be heard by Reuben Hill on October 12, 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. On August 2, 2016, Applicant applied for his nonresident insurance producer's license.
2. On August 25, 2016, the Department filed its Preliminary Administrative Order and Notice of License Denial.

3. Respondent answered "no" to a question on his Indiana producer application which asked whether he had ever been named or involved as a party in an administrative proceeding.
4. Respondent admitted he did not fully read question two (2) on his license application.
5. On November 7, 2007, Respondent entered into a Stipulation and Consent Order with the State of Illinois Department of Financial and Professional Regulation Division of Insurance ("Illinois Order"); and was fined One Thousand Five Hundred Dollars (\$1,500.00) as punishment for the violation.
6. The Illinois Order contained allegations that Applicant misrepresented the terms of a Medicare Supplement Plan to a consumer.
7. On January 17, 2005, Respondent solicited and wrote a Physicians Mutual Insurance Company Medicare Supplement Plan to replace the consumer's Pyramid Life Medicare Supplement Plan.
8. Respondent failed to complete a checklist that compared the existing Pyramid Life and the proposed Physicians Mutual Medicare supplements.
9. Respondent failed to properly check eight (8) boxes on the checklist.
10. Respondent stated he did not know how to fill out the checklist because he was a new employee.
11. Respondent claims his boss promised to help him fill out the checklist but applicant's boss never followed-up with him and mailed out the improperly completed checklist.

12. Respondent was not sure whether he had disclosed his Illinois Order on applications with other states.
13. Respondent admitted he had an issue in 2014 with another state regarding his failure to disclose the Illinois Order on a license application but he is unsure exactly what state it was.
14. Respondent is self-employed and would use his license to train brokers.

### **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. 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."
4. Respondent's conduct in failing to disclose his November 7, 2007 Illinois Order involving the misrepresentation of a Medicare Supplement Plan, constitutes providing misleading and incorrect information in a license application.
5. Aggravating factors in this matter includes Respondent's admission that he did not fully read the questions on his license application, and his admission that he failed to disclose the Illinois Order on a 2014 application in another state.
6. Finding of Facts that can be adopted as a Conclusion of Law are herein incorporated as such.

**RECOMMENDED ORDER**

In consideration of the foregoing Findings of Fact and the Conclusion of Law, the Administrative Law Judge now recommends to the Commissioner of Insurance the Following:

1. That Respondent's license denial be affirmed.
2. That the Respondent shall not be permitted to reapply for a period of One (1) Year for licensure from the date of the Final Order in this matter.
3. That the Respondent be fined in the amount of One Thousand Dollars (\$1,000.00)

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 3<sup>rd</sup> day of February, 2017.



Hon. Reuben B. Hill  
Administrative Law Judge

Distribution:

Timothy J. Morgan  
955 S. Durkin St., Suite E  
Springfield, IL 62704

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.: 15572-AD16-0816-067

IN THE MATTER OF:       )  
                                  )  
INSURANCE PRODUCER LICENSE   )  
APPLICATION OF:            )  
                                  )  
Timothy J. Morgan            )  
955 S. Durkin St Ste E        )  
Springfield, IL 62704        )

**FILED**

AUG 25 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 Timothy J. Morgan ("Applicant") of the following Administrative Order:

1. Applicant filed an application for nonresident licensure with the Commissioner of the Indiana Department of Insurance ("Commissioner") on August 02, 2016.
2. Before approving an application, the Commissioner must find that the applicant has met specific requirements under Indiana Code §27-1-15.6-8 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's license for providing incorrect, misleading, incomplete, or materially untrue information in a license application.
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

failure to disclose his November 07, 2007 Consent Order issued by the Illinois Department of Insurance on a license application.

5. 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) based on his failure to disclose an administrative action on a license application.

8/25/16

Date Signed



Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution to:

Timothy J. Morgan  
955 S. Durkin St., Ste E  
Springfield, IL 62704

Calla Dain, Insurance Investigator  
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