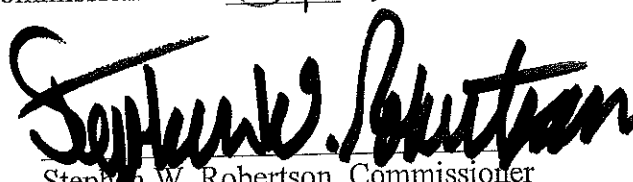


IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. The refusal to issue Applicant's resident producer license 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:

Autumn Korte
297 South Main St.
Scottsburg, IN 47170

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:15723-AD16-0929-079

IN THE MATTER OF:)

Autumn Korte)
297 South Main St.)
Scottsburg, IN 47170)

Applicant.)

FILED

FEB 24 2017

STATE OF INDIANA
DEPT. OF INSURANCE

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND RECOMMENDED ORDER**

Administrative Law Judge (“ALJ”) Reuben Hill, having considered and reviewed all of the evidence, will now render a decision in the matter of Autumn Korte (“Applicant”). This matter came to be heard by the ALJ on January 11, 2017 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, Claire Szpara. 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 ALJ now makes the following Findings of Fact, Conclusions of Law, and issues the Recommended Order.

FINDINGS OF FACT

1. On September 23, 2016, Applicant applied for her resident insurance producer license.

2. Applicant failed to disclose on her application a May 12, 2015 felony conviction of Neglect of a Dependent, Placing Dependent in a Situation that Endangers the Dependent.

3. On August 3, 2014, while intoxicated, Applicant attempted to leave in a vehicle with her minor child.

4. Applicant was sentenced to five hundred twenty-one (521) days probation.

5. Per the Plea Agreement, Applicant petitioned for the felony conviction to drop to a misdemeanor on October 25, 2016.

6. Applicant's petition was granted on November 14, 2016.

7. Applicant stated during the hearing that she read through the application "too fast" when she was filling it out.

8. Lyndi Hughbanks, Applicant's boss, testified on behalf of Applicant during the hearing.

9. Ms. Hughbanks testified that she'd known Applicant for about four (4) years and testified that Applicant is a good mother and reliable worker at Ms. Hughbanks' apartment complexes and insurance business.

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 for having been convicted of a felony.

5. 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.”

6. Applicant’s felony conviction of Neglect of a Dependent, Putting Dependent in a Situation that Endangers the Dependent, demonstrates having a felony conviction.

7. Applicant’s conduct in failing to disclose her felony conviction demonstrates providing misleading and incorrect information, with aggravating factors including not fully reading the application questions.

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

9. Because of Applicant’s felony conviction and failure to disclose the conviction on her application, Applicant should be denied a producer license.

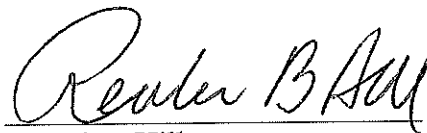
10. Findings of Fact that can be adopted as a Conclusion of Law are hereby incorporated herein as such.

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 resident insurance producer license be affirmed and Applicant shall not re-apply for licensure for six (6) 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:

Autumn Korte
297 South Main St.
Scottsburg, IN 47170

Claire Szpara, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER:15723-AD16-0929-079

IN THE MATTER OF:)

Autumn Korte)
297 South Main St.)
Scottsburg, IN 47170)

Applicant.)

FILED

JAN 30 2017

STATE OF INDIANA
DEPT. OF INSURANCE

**PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW
AND RECOMMENDED ORDER**

Administrative Law Judge (“ALJ”) Reuben Hill, having considered and reviewed all of the evidence, will now render a decision in the matter of Autumn Korte (“Applicant”). This matter came to be heard by the ALJ on January 11, 2017 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, Claire Szpara. 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 ALJ now makes the following Findings of Fact, Conclusions of Law, and issues the Recommended Order.

FINDINGS OF FACT

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CONCLUSIONS OF LAW

1. The Commissioner of Insurance has jurisdiction over both the subject matter and the parties to this action.

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9. Because of Applicant’s felony conviction and failure to disclose the conviction on her application, Applicant should be denied a producer license.

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 resident insurance producer license be affirmed and Applicant shall not re-apply for licensure for six (6) 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 _____ day of _____, 2017.

Reuben Hill
Administrative Law Judge

Distribution:

Autumn Korte
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Scottsburg, IN 47170

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