

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 15894-AD17-0104-002

IN THE MATTER OF: )  
 )  
INSURANCE PRODUCER LICENSE )  
APPLICATION OF: )  
 )  
Robert Bokelman )  
1412 W. Ashford Dr. Apt C )  
Greensburg, IN 47240 )  
 )  
Applicant. )

**FILED**  
MAY 12 2017  
STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

On March 30, 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.

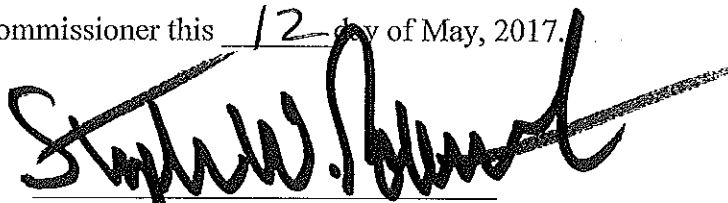
Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. The refusal to issue Applicant's Indiana producer license is affirmed.
2. Applicant shall reapply for licensure after the success of having his 2004 offense expunged.

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 12 day of May, 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:

Robert Bokelman  
1412 W. Ashford Dr. Apt. C  
Greensburg, IN 47240

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.: 15894-AD17-0104-002

IN THE MATTER OF: )  
 )  
INSURANCE PRODUCER LICENSE )  
APPLICATION OF: )  
 )  
Robert Bokelman )  
1412 W. Ashford Dr. Apt C )  
Greensburg, IN 47240 )  
 )  
Applicant. )

**FILED**

MAR 30 2017

**STATE OF INDIANA  
DEPT. OF INSURANCE**

**NOTICE OF FILING OF 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

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 15894-AD17-0104-002

IN THE MATTER OF: )

INSURANCE PRODUCER LICENSE )  
APPLICATION OF: )

Robert Bokelman )  
1412 W. Ashford Dr. Apt. C )  
Greensburg, IN 47240 )

Applicant. )

**FILED**

MAR 30 2017

**STATE OF INDIANA  
DEPT. OF INSURANCE**

---

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

---

Administrative Law Judge Reuben B. Hill ("ALJ"), having heard, reviewed and considered all of the evidence, will now render a decision in the matter of Robert Bokelman ("Applicant").

The hearing was conducted on February 15, 2017 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 the hearing, the ALJ now makes the following Findings of Fact, Conclusions of Law, and issues the Recommended Order.

## FINDINGS OF FACT

1. On January 17, 2017, the Department issued a Preliminary Administrative Order and Notice of License Denial regarding Applicant's insurance producer license.
2. Applicant admitted that he was convicted of misdemeanor conversion in 2004.
3. Applicant's plea agreement was accepted on February 16, 2004 in Decatur Circuit Court in Columbus, Indiana.
4. Applicant was sentenced to one (1) year with all but twelve (12) days suspended and he was placed on unsupervised probation.
5. Applicant was the manager of two apartment complexes, Grace Lutheran Manor and All Saints Home, which served the elderly and disabled.
6. Applicant admitted that his conviction involved submitting invoices for lawn care services from RMB Landscaping to his employer.
7. Applicant stated RMB Landscaping was "something I would do on the side." Transcript at 16, line 17-18
8. Applicant admitted the landscaping invoices totaled Eight Hundred Fifty-Five Dollars (\$855.00), the amount that his employer had budgeted for lawn care
9. The probable cause affidavit stated that Applicant claimed to have withdrawn Six Hundred Dollars (\$600.00) in cash for landscaping supplies, and he provided his bank account information to corroborate his claim but the police never found a Six Hundred Dollar (\$600.00) withdrawal; Applicant stated he thought the police had found the money that was withdrawn from one of his bank accounts.

10. Applicant was on probation for poor work performance at the time that he wrote the invoices for lawn care.
11. Applicant was terminated from his job as an apartment manager for poor performance prior to his arrest for the false invoices.
12. Applicant has had several jobs in the past few years. He is currently employed by Western and Southern Insurance where he has been employed for six (6) weeks.
13. Prior to his current employment, Applicant was employed at J.D. Byrider from March 2016 to December 2016; Hubler Ford from January 2016 to March 2016; and MSIL Staffing from October 2015 to December 2015.
14. Applicant has undertaken to care for his four year old nephew as his guardian all the while having the responsibility of the care of four minor children of his own.
15. Applicant stated he has not been disciplined by or terminated from any employer since he was an apartment manager, and he has not been arrested or convicted of any criminal offense since 2004.
16. Applicant submitted three letters attesting to his character, and he submitted a court order appointing him the guardian of his nephew which he believes is a testament to his character
17. Applicant is eligible for and plans to get his conviction expunged immediately.

#### **CONCLUSIONS OF LAW**

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

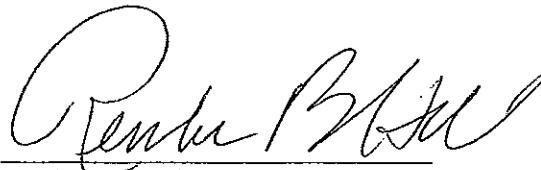
2. This hearing was held in compliance with the Administrative Orders and Procedures Act of the Indiana Code.
3. Indiana Code 27-1-15.5-12(b) states that the Commissioner may deny a license application due to a number of factors.
4. Specifically, Indiana Code 27-1-15.6-12(b)(8) states that the Commissioner 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.
5. Applicant violated Indiana Code 27-1-15.6-12(b)(8) by his February 16, 2004 conviction of misdemeanor conversion in Decatur Circuit Court and the circumstances of that conviction.
6. 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. Applicant is requesting that the Department issue his resident producer license and therefore, bears the burden.
7. Applicant contends that he has not been disciplined by or fired from any employer since he was an apartment manager, and he has not been convicted or in trouble with the law since 2004, which are factors in mitigation.
8. Applicant used his position as a manager to bill his employer for false lawn care invoices.
9. The nature of the conviction that Applicant abused a position of trust as a manager, brings into question his trustworthiness, which warrants license denial under Indiana Code 27-1-15.6-12(b)(8).
10. Findings of Fact that can be adopted as a Conclusion of Law are hereby incorporated herein as such.

**RECOMMENDED ORDER**

In consideration of the foregoing Findings of Fact and 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 further that if Applicant is successful in having his 2004 offense expunged, he may reapply.

**ALL OF WHICH IS ADOPTED** by the Administrative Law Judge and recommended to the Commissioner this 30<sup>th</sup> day of March 2017.



Reuben B. Hill Esq.  
Administrative Law Judge

**Distribution:**

Robert Bokelman  
1412 W. Ashford Dr. Apt.C  
Greensburg, IN 47240

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