

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
15465
CAUSE NUMBER: 14565-AD16-0801-064

IN THE MATTER OF:

Rahim El
124 Pagoda Dr.
Monroeville, PA 15146

Applicant.

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 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.

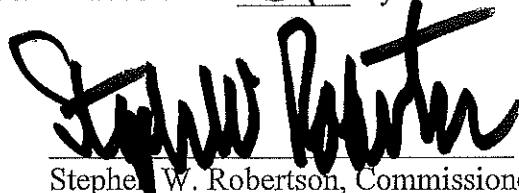
Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. The refusal to issue Applicant's nonresident insurance producer license is affirmed.
2. Applicant shall not reapply for licensure for one (1) year.

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.

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

Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Rahim El
124 Pagoda Dr.
Monroeville, PA 15146

Cathleen Nine-Altevogt, Attorney
Indiana Department of Insurance
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Indianapolis, IN 46204

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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:
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STATE OF INDIANA
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**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 Rahim El ("Applicant"). This matter came to be heard by the ALJ on January 4, 2017 at 10:00 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 by telephone 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 June 15, 2016, Applicant applied for his nonresident insurance producer license.

2. Applicant failed to disclose on his application that he had been convicted of the following felonies in the Commonwealth of Pennsylvania:

- Criminal Trespass-Enter Structure, 1991
- Burglary and Engaging in a Criminal Conspiracy, 1991
- Receiving Stolen Property, 1994
- Access Device Fraud and Criminal Attempt- Access Device Fraud, 2007
- Access Device Fraud, 2007.

3. Applicant believed he did not have to disclose his felony convictions on his Indiana producer license if a certain amount of time had passed.

4. Regarding the Access Device Fraud convictions, Applicant stated he was offered a prepaid Visa gift card by a friend's sister at a reduced price, and if he wanted more, he could get as many as he wanted.

5. The Visa gift cards were bought using a stolen credit card.

6. Applicant was contacted by police to help with their investigation into the person using the stolen credit card, but Applicant stated he did not cooperate.

7. On October 31, 2014, Applicant became a licensed producer in the Commonwealth of Pennsylvania.

8. Applicant received his Pennsylvania license through a Consent Order on an 18 U.S.C. § 1033(e) waiver and through letters of recommendation. The 18 U.S.C. § 1033(e) waiver allows a person who has been convicted of any criminal felony involving dishonesty or breach of trust to engage in the business of insurance if written consent of any insurance regulatory official authorized to regulate the insurer is given.

9. Terms of the Pennsylvania Consent Order state Applicant is prohibited from handling cash, checks must be made payable to the insurer, and the terms are in place until 2019.

10. Applicant became a licensed producer in Ohio in 2015.

11. Applicant admitted he did not disclose his felony convictions on his Ohio producer license application.

12. Applicant has since applied for licensure in Florida and Virginia and admitted he did disclose his felony convictions on those applications.

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 multiple felony convictions from 1991 to 2007 violate Indiana Code § 27-1-15.6-12(b)(6).

7. Applicant's conduct in failing to disclose his multiple felony convictions demonstrates providing misleading and incorrect information in violation of Indiana Code § 27-1-15.6-12(b)(1), with the aggravating factor being Applicant disclosed his felony convictions on his Commonwealth of Pennsylvania, Florida and Virginia license applications, but did not disclose his felony convictions on his Ohio and Indiana license applications.

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

9. Because of Applicant's multiple felony convictions and failure to disclose these convictions to the Department, Applicant should be denied a producer license.

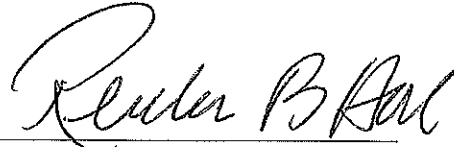
10. Findings of Fact that can be adopted as a Conclusion of Law are hereby incorporated herein as such.

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 nonresident insurance producer license be affirmed and Applicant shall not re-apply for licensure for one (1) year 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

Distributions:

Rahim El
124 Pagoda Dr.
Monroeville, PA 15146

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 No.: 14565-AD16-0801-064

IN THE MATTER OF:)
)
INSURANCE PRODUCER LICENSE)
APPLICATION OF:)
)
Rahim El)
124 Pagoda Dr.)
Monroeville, PA 15146)

FILED

AUG 05 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 Rahim El ("Applicant") of the following Administrative Order:

1. Applicant filed an application for non-resident licensure with the Commissioner of the Indiana Department of Insurance ("Commissioner") on June 15, 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 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(b)(1) due to his failure to answer “yes” to the question on his license application which asks: “Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?”

5. Furthermore, 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(b)(6) due to having been convicted of felonies.

6. Applicant was convicted of the following felonies in the Commonwealth of Pennsylvania:

- Criminal Trespass-Enter Structure, 1991
- Burglary and Engaging in a Criminal Conspiracy, 1991
- Receiving Stolen Property, 1994
- Access Device Fraud and Criminal Attempt – Access Device Fraud, 2007
- Access Device Fraud (separate incident), 2007

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) for providing incorrect, misleading, incomplete, or materially untrue information in a license application and having been convicted of a felony

8-5-14

Date Signed



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution to:

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