

STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF MARION    )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 15876-AD17-0109-006

IN THE MATTER OF:

Redhawk Title Agency, LLC  
3962 Red Bank Rd  
Cincinnati, OH 45227

Applicant.

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

**FINAL ORDER**

On April 18, 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 their 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 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 12 day of May, 2017.

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Copies to:

Redhawk Title Agency  
3962 Red Bank Rd  
Cincinnati, OH 45227

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

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**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

**FILED**

APR 18 2017

**STATE OF INDIANA  
DEPT. OF INSURANCE**

IN THE MATTER OF:                     )

Redhawk Title Agency, LLC             )  
3962 Red Bank Rd.                     )  
Cincinnati, OH 45227                 )

CAUSE NO.:15876-AD17-0109-006

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

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Administrative Law Judge Reuben B. Hill ("ALJ"), having heard, reviewed and considered all of the evidence, will now render a decision concerning the matter of ("Applicant"). This matter came on to be heard by the ALJ on March 8, 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 in person and was represented by counsel, Brad Reisenfeld. 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. Applicant is a title agency. On December 5, 2016, Applicant submitted their nonresident producer application for licensure. Applicant's home state is Ohio.
2. Applicant failed to disclose to the Department a February 25, 2015 Consent Order with the Ohio Department of Insurance, which included a Ten Thousand Dollars (\$10,000.00) civil penalty.
3. On or about September 2011, Applicant applied for their Ohio insurance license and provided documentation of an existing lease.
4. On February 25, 2015, Applicant entered into a Consent Order with the Ohio Department of Insurance. The lease Applicant provided for Ohio licensure was not a genuine lease, which violated Ohio Administrative Code 3905.14(B)(1), providing incorrect, misleading, incomplete or materially untrue information in a license application, and Ohio Administrative Code 3905.14(B))(3), obtaining, maintaining, or attempting to obtain or maintain a license through misrepresentation or fraud.
5. Katherine McKinney, Applicant's title agent and manager, testified on behalf of Applicant. Ms. McKinney's duties include filling out license applications.
6. Ms. McKinney testified that she filled out the Indiana application and failed to disclose the Ohio Consent Order. She testified that it was an "inadvertent mistake" and she just forgot about the Consent Order.
7. Ms. McKinney stated she was aware of the Consent Order, but was not involved in the incident so she could not testify to the facts surrounding the Consent Order.

8. Brad Reisenfeld, part owner and attorney for Applicant, testified about the genuine lease issue. The Applicant agency is a joint venture between R. Reisenfeld and three (3) other partners.
9. Mr. Reisenfeld stated there was a lease agreement between Applicant and Reisenfeld Enterprises, the building owner. The lease agreement showed Reisenfeld Enterprises renting a separate office space in its building to Applicant. There was a lease in place, but the lease was not “genuine” because it was not being properly followed, since Applicant had not been making rent payments.

#### **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)(1) provides the Commissioner may refuse to issue an insurance producer license for providing incorrect, misleading, incomplete, or materially untrue information in a license application.
5. Applicant’s failure in disclosing the Ohio Consent Order demonstrates providing incorrect, misleading, incomplete or materially untrue information. Facts in aggravation include Applicant has disclosed this Consent Order on other applications.

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 their resident producer license and, therefore, bears the burden.
7. Pursuant to Indiana Code 27-1-15.6-12(d), the hearing was held to determine the reasonableness of the Commissioner's decision. Applicant failed to prove that the Commissioner's decision to deny their insurance producer license was unreasonable.
8. Findings of Fact that can be adopted as a Conclusion of Law are hereby incorporated herein as such.

### **RECOMMENDED ORDER**

In consideration of 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 of Insurance** this 18<sup>th</sup> day of April, 2017.



Reuben B. Hill, Esq.  
Administrative Law Judge

(See Distribution)

Distribution:

Redhawk Title Agency  
3962 Red Bank Rd.  
Cincinnati, OH 45227

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.: 15876-AD17-0109-006

IN THE MATTER OF:                     )  
                                              )  
INSURANCE PRODUCER LICENSE         )  
APPLICATION OF:                        )  
                                              )  
Redhawk Title Agency, LLC             )  
3962 Red Bank Rd                        )  
Cincinnati, OH 45227                    )

**FILED**

JAN 17 2017

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 Redhawk Title Agency, LLC ("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 December 05, 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)(1) provides that the Commissioner may refuse to issue or renew 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 their application, the Commissioner being fully advised, now hereby notifies Applicant that they have not fully met the requirements of licensure as stated by Indiana Code §27-1-15.6-12(b)(1)

due to their failure to disclose a February 25, 2015 Consent Order issued by the Ohio Department of Insurance on their application for licensure.

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)(1) for failing to disclose an administrative action on their application for licensure.

1-17-17  
Date Signed

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution to:

Redhawk Title Agency  
3962 Red Bank Rd  
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Calla Dain, Insurance Investigator  
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