

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 15969-AD17-0125-016

IN THE MATTER OF:

Daniel H. Adams  
2450 Rimrock Rd Ste 301  
Madison, WI 53713

Applicant.

**FILED**

MAY 12 2017

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

On April 11, 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. Applicant is Granted an Indiana nonresident producer license on a probationary basis for a period of two (2) years.

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:

Daniel H. Adams  
2450 Rimrock Rd Suite 301  
Madison, WI 53713

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

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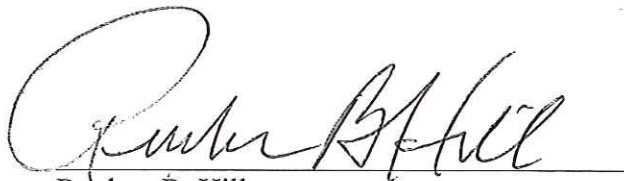
APR 11 2017

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

**FILED**

APR 11 2017

IN THE MATTER OF:                     )

Daniel H. Adams                         )  
2450 Rimrock Rd. Ste. 301             )  
Madison, WI 53713                     )

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**STATE OF INDIANA  
DEPT. OF INSURANCE**

CAUSE NO.: 15969-AD17-0125-016

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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 1, 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 January 13, 2017, Applicant applied for his nonresident insurance producer license. Applicant's home state is Wisconsin.
2. On September 22, 2006, the Applicant received a conviction for the offenses of Carrying a concealed weapon, a class A misdemeanor and Possession of drug paraphernalia, as a Class U misdemeanor, and sentenced to serve five (5) months in the Walworth County Jail.
3. The Applicant also received a conviction for Possession of cocaine, a Class U misdemeanor on August 7, 2007, sentenced to serve thirty (30) days in the Walworth County Jail.
4. On February 15, 2008, the Applicant received a conviction for Manufactured/Deliver Schedule IV Drug, second and subsequent offense, and received a sentence of three (3) years executed and one (1) year extended supervision for a total of four (4) years. He was eligible for a Challenge Incarcerated Program (Boot Camp).
5. Applicant disclosed the February 14, 2008, Class H Felony conviction of Manufacture/Deliver Schedule IV Drugs in the state of Wisconsin.
6. On three (3) separate instances, Applicant sold 2mg of a drug, Lorazepam, to a confidential informant. Lorazepam is commonly used in anxiety disorder treatments. Applicant admitted he did not have a prescription for Lorazepam.
7. The first incident occurred around July 24, 2007. A confidential informant arranged to purchase Ten Dollars (\$10.00) worth of Lorazepam from Applicant. The exchange took place in the informant's car. The second incident occurred around August 2, 2007. A

confidential informant arranged to purchase Ten Dollars (\$10.00) worth of Lorazepam from Applicant. The exchange took place in the informant's car. The third incident occurred around September 12, 2007. A confidential informant arranged to purchase Twenty Dollars (\$20.00) worth of Lorazepam from Applicant. The exchange took place inside a home.

8. During the hearing, Applicant explained that he participated in an early-release boot camp program call the Challenge Incarceration Program ("CIP") as part of his sentence. While in CIP, Applicant obtained his general equivalency degree ("GED").
9. Applicant stated he has "spent hundreds of hours" in counseling.
10. During the hearing, Applicant admitted to having a problem with drugs and alcohol. He started using drugs around the age of twelve (12) years old and started dealing around the age of fifteen (15) years old.
11. Applicant admitted to the previous misdemeanor convictions related to drugs: a misdemeanor possession of drug paraphernalia in 2006 and a misdemeanor possession of cocaine in 2007.
12. Applicant stated he is sober and has not done drugs since being sentenced for his felony, but does have an occasional alcoholic beverage.
13. Applicant has been employed at Auxiant as a sales consultant since November 2009.
14. Applicant became licensed in his home state of Wisconsin in October 2016. Applicant is also licensed in the state of Ohio since January 2017.
15. Applicant introduced four (4) letters attesting to his character and professionalism. He also introduced into evidence information about a re-entry program that he participated in which helps ex-offenders find employment and provides opportunities for skills training.

16. Applicant was approximately seventeen (17) years old, when he was first arrested and was approximately twenty (20) years old at the time of his last conviction.
17. Applicant is now approximately twenty-nine (29) years old and has not been in any trouble with the law for the last nine (9) years.

### **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), which provides that the Commissioner may refuse to issue a license for having a felony conviction.
5. Applicant's felony conviction of Manufacture/Deliver Schedule IV Drugs violates Indiana Code 27-1-15.6-12(b)(6); however, mitigating factors include, the Applicant's young age at the time of the offenses, the type of drug sold being a low dose of anxiety disorder medication, the remedial activity on his part following his conviction and the length of time since his last conviction. Applicant holds licenses issued by Wisconsin and Ohio, and has maintained sobriety for the last nine (9) years.
6. Indiana Code 4-21.5-3-14(c) states that the person requesting an agency taking action has the burden of persuasion and the burden of going forward. The Applicant is requesting

that the Department issue his nonresident producer license and, therefore, bears the burden.

7. The Applicant's criminal history and the previously mentioned mitigating factors could allow issuance of a probationary license.
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 foregoing 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 Applicant be granted his Indiana nonresident producer license on a probationary basis for a period to two (2) years.

**ALL OF WHICH IS ADOPTED** by the Administrative Law Judge and recommended to the

**Commissioner of Insurance** this 11<sup>th</sup> day of April, 2017.

A handwritten signature in black ink, appearing to read "Reuben B. Hill", written over a horizontal line.

Reuben B. Hill, Esq.  
Administrative Law Judge

(See Distribution)



Distribution:

Daniel H. Adams  
2450 Rimrock Rd. Suite 301  
Madison, WI 53713

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.: 15969-AD17-0125-016

IN THE MATTER OF:                     )  
  )  
INSURANCE PRODUCER LICENSE         )  
APPLICATION OF:                        )  
  )  
Daniel H. Adams                         )  
2450 Rimrock Rd Ste 301                )  
Madison, WI 53713                       )

**FILED**

JAN 27 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 Daniel H. Adams ("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 January 13, 2017.
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)(6) provides that the Commissioner may refuse to issue or renew an insurance producer license for having been convicted of a felony.
4. Following a review of materials submitted by Applicant in support of their 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)(6) due to his February 14, 2008 Wisconsin conviction of Manufacture/Deliver Schedule IV Drugs, a Class H Felony.

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)(6) for having been convicted of a felony.

1/27/17  
Date Signed

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution to:

Daniel H. Adams  
2450 Rimrock Rd., Ste 301  
Madison, WI 53713

Calla Dain, Insurance Investigator  
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