

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 15758-AD17-0126-018

IN THE MATTER OF:)

Shane Jeremy Billingsley)
604 Carroll Street)
Westport, IN 47283)

Respondent.)

FILED

AUG 03 2017

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On June 19, 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 renew Respondent's resident insurance producer license is affirmed.
2. Respondent shall not re-apply for one (1) year.
3. Respondent shall pay a fine in the amount of Five Hundred (\$500.00) dollars within sixty (60) days.

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 31st day of August, 2017.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Shane Billingsley
604 Carroll Street
Westport, IN 47283

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

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JUN 19 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)
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BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

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IN THE MATTER OF:)
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Shane Jeremy Billingsley)
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Respondent.)

JUN 19 2017

STATE OF INDIANA
DEPT. OF INSURANCE

CAUSE NO.: 15758-AD17-0126-018

**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 concerning the matter of Shane Billingsley (“Applicant”). This matter came on to be heard by the ALJ on May 10, 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. Respondent 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. Respondent has been a Resident licensed Producer since July 2014. Respondent's license expired on February 28, 2017.
2. On March 10, 2017, the Department issued an Administrative Order Notice of Nonrenewal of License. Respondent attempted to renew his license prior to this Order, but an enforcement case was already opened against Respondent which kept him from being able to complete the renewal application.
3. On or about October 6, 2016, the Department received notice from Bankers Life and Casualty Company ("Bankers") that the Respondent was terminated for cause, alleging Respondent misrepresented his status as a Contracted Active Agent and collected premium from a customer.
4. Respondent stated during the hearing that he sold an insurance policy to a client, and arranged to use his personal bank account to pay the client's monthly premium payment, where the client would then pay him back in cash. Respondent stated this agreement had been ongoing since November 2014.
5. In September 2016, after Respondent was terminated from Bankers, he arranged to collect the monthly premium payment in cash from client for the payment due in October.
6. On November 22, 2016, Respondent was charged with Fraud on a Financial Institution, a Level 5 Felony. Respondent failed to disclose to the Department this pending charge.
7. The pending felony charge involves the bank account Respondent was using to pay the client's monthly policy premium. Respondent's bank account had been closed due to

several non-sufficient fund transactions. After the account had been closed, Respondent wrote four (4) checks totaling Nine-Hundred Eighty Dollars (\$980.00) for cash to himself.

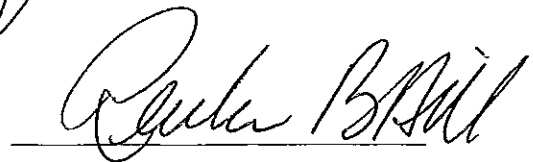
8. The client's policy eventually lapsed, sometime in July or August of 2016. The lapse was due to insufficient funds in Respondent's bank account. Respondent stated during the hearing he was not initially aware of policy lapse.

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 renew an Insurance Producer License, due to a number of factors.
4. Specifically, Indiana Code 27-1-15.6-12(b)(8) provides the Commissioner may refuse to renew an Insurance Producer's 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. Specifically, Indiana Code 27-1-15.6-12(b)(2)(A) provides the Commissioner may refuse to renew an Insurance Producer's License for violating an insurance law. Indiana Code 27-1-15.6-17(b) is an insurance law that states a producer shall report to the Commissioner any criminal prosecution of the producer not more than Thirty (30) days after an initial pretrial hearing.

1. That the refusal to renew Respondent's Resident Insurance Producer License be affirmed and Respondent shall not re-apply for licensure for One (1) year from the date of the Final Order in this matter.
2. That Respondent pay a Five Hundred Dollar (\$500.00) fine.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner of Insurance this 19th day of June, 2017.



Reuben B. Hill, Esq.
Administrative Law Judge

Distribution:

Shane Billingsley
604 Carroll Street
Westport, Indiana 47283

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

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 15758-AD17-0126-018

IN THE MATTER OF:)
)
Shane Jeremy Billingsley)
Respondent)
)
604 Carroll Street)
Westport, IN 47283)
)
Type of Agency Action: Enforcement)
)
)
Indiana Insurance License No. 962923)

FILED

MAR 10 2017

STATE OF INDIANA
DEPT. OF INSURANCE

ADMINISTRATIVE ORDER
NOTICE OF NONRENEWAL OF LICENSE

The Indiana Department of Insurance (“Department”), pursuant to Indiana Code § 4-21.5 *et seq.*, and Indiana Code § 27-1-15.6-12, hereby gives notice to Shane Billingsley, (“Respondent”) of the following Administrative Order:

1. Respondent is a licensed resident insurance producer, holding license number 962923 since July 8, 2014.
2. On or about October 6, 2016, the Department received notification from Bankers Life and Casualty Company of Respondent’s termination for cause due to violations of his agent contract; specifically, misrepresenting his status as a contracted active agent, and collecting premium from a customer.

3. The Termination was due to Respondent allegedly collecting monthly premium from an insured in the form of cash but not turning any of the premium in for the payments of the policy.

4. Respondent was charged in Decatur County, Indiana on November 22, 2016 with Felony Fraud on a Financial Institution.

5. Pursuant to Indiana Code § 27-1-15.6-12(b)(8), the Commissioner may refuse to renew an insurance producer license for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.

6. Pursuant to Indiana Code § 27-1-15.6-17(b), the producer shall report to the commissioner any criminal prosecution of the producer not more than thirty (30) days after an initial pretrial hearing.


7. Pursuant to Indiana Code § 27-1-15.6-12(b)(2)(a), the Commissioner may refuse to renew an insurance producer's license for violating an insurance law; Indiana Code § 27-1-15.6-17(b) is an insurance law.

8. Indiana Code § 27-1-15.6-12(d) requires the Commissioner to notify a licensee of the reason for the nonrenewal of his license. This Order serves as that notice.

9. The Commissioner further notifies Respondent that, pursuant to Indiana Code § 27-1-15.6-12(d), Respondent may, within sixty-three (63) days of the mailing of this Order, make a written demand upon the Commissioner for a hearing to determine the reasonableness of this action. Such a hearing shall be held within thirty (30) days from the date of receipt of Respondent's written demand.

WHEREFORE, the Commissioner of Insurance hereby notifies Respondent that his license shall not be renewed for having a pending charge for Felony Fraud on a Financial Institution.

3/10/2017
Date Signed


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Melissa Higgins, Insurance Investigator
Indiana Department of Insurance
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Indianapolis, Indiana 46204-2787

Shane Jeremy Billingsley
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Westport, IN 47283