

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 16010-AD17-0221-023

IN THE MATTER OF:

Russell Shartzter
P.O. Box 424
Wolcottville, IN 46795

Applicant.

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FILED

JUL 28 2017

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On May 17, 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.

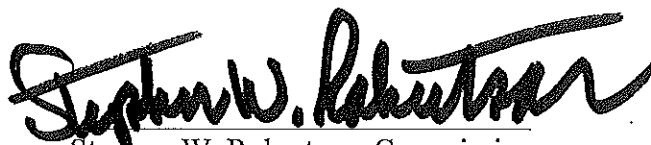
3. Neither party has filed an objection with the Commissioner regarding the Administrative Law Judge's Findings of Fact, Conclusions of Law and Recommended Order, and more than eighteen (18) days have elapsed.

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 Applicant's resident insurance producer license is Granted on a probationary period of one (1) year.

ALL OF WHICH IS ORDERED by the Commissioner this 28 day of July, 2017.



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Russell Shartzler
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Wolcottville, IN 46795

Claire Szpara, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 103
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 / RB
Reuben B. Hill
Administrative Law Judge

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

FILED

MAY 17 2017

IN THE MATTER OF:)
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Russell Shartzler)
P.O. Box 424)
Wolcottville, Indiana 46795)
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Applicant.)

STATE OF INDIANA
DEPT. OF INSURANCE

CAUSE NO.: 16010-AD17-0221-023

**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 Russell Shartzler (“Applicant”). This matter came on to be heard by the ALJ on April 12, 2017 at 11:00 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 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 27, 2017, Applicant applied for a resident producer license.
2. Applicant disclosed a felony possession of a weapon conviction on his application.
3. Over twenty-six (26) years ago, Applicant was in an altercation involving his brother, a friend, his brother's ex-wife and her husband, on the ex-wife and husband's property.
4. Applicant. His friend and his brother had been drinking. Applicant's brother started causing damage to the property.
5. When the situation escalated, Applicant shot his gun off multiple times, up into the floorboards of the balcony and into the air. pApplicant stated during the hearing he shot his gun because the ex-wife's husband had shot his gun off first, and also to give Applicant enough time to run back to his car to drive away.
6. The incident took place in the state of Michigan, and Applicant was stopped by police after crossing back into the state of Indiana. The gun was not registered in the state of Michigan, and Applicant did not possess a carry permit in Indiana for the gun.
7. On May 30, 1991, Applicant pled guilty to the felony conviction.
8. David Scott, Respondent's friend, testified on behalf of Respondent during the hearing. Mr. Scott testified that he knew Respondent for over twenty (20) years and has known Respondent to be ethical and a man of character.
9. Applicant has lived a law-abiding life ever since and currently operated a successful people service business.

10. Applicant owns Case Family Taxes, a tax business, where he is an electronic return originator which allows him to e-file tax returns, and works for Ameriprise Financial, where he is certified as an independent advisory representative allowing him to buy and sell securities. Applicant has his Series 7 and Series 66 securities license, and is certified by the Internal Revenue Service (IRS) as an enrolled agent. Applicant's people oriented business would dovetail very easily with his plans to sell insurance protection.

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 the Commissioner may refuse to issue an insurance producer license for having been convicted of a felony.
5. Applicant's felony possession of a weapon conviction is evidence of having a felony conviction. Facts in mitigation include length of time since conviction and employment history.
6. Applicant has demonstrated that he is a responsible and productive person, having worked successfully in the tax return preparation business for many years.
7. Applicant is married and a responsible spouse and father.

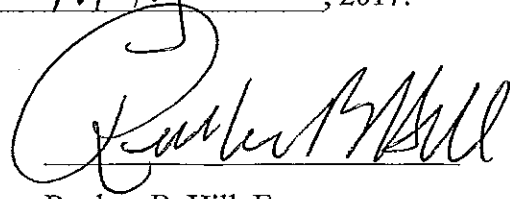
8. Indiana Code 4-21.5-3-14(c) states that the person requesting an agency take action has the burden of persuasion and the burden of going forward. Applicant is requesting that the Department issue his resident producer license and, therefore, bears the burden.
9. Pursuant to Indiana Code 27-1-15.6-12(d), the hearing was held to determine the reasonableness of the Commissioner's decision. Applicant failed to prove that the Commissioner's decision to deny his insurance producer license was unreasonable.
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 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 resident insurance producer license be reversed and Applicant should be issued a Resident Producer license on a one (1) year probationary basis.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner of Insurance this 17th day of May, 2017.



Reuben B. Hill, Esq.
Administrative Law Judge

Distribution:

Russell Shartzler
P.O.Box 424
Wolcottville, Indiana 46795

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

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

Cause No.: 16010-AD17-0221-023

IN THE MATTER OF:)
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INSURANCE PRODUCER LICENSE)
APPLICATION OF:)
)
Russell Shartzter)
PO Box 424)
Wolcottville, IN 46795)
)
Application ID: 573012)

FILED

FEB 24 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 Russell Shartzter (“Applicant”) of the following Administrative Order:

1. Applicant submitted an application for licensure with the Commissioner of the Indiana Department of Insurance (“Commissioner”) on January 27, 2017.
2. Before approving an application, the Commissioner must find that the applicant has met specific requirements under Indiana Code §27-1-15.6-6 and Indiana Code §27-1-15.6-12.
3. Indiana Code §27-1-15.6-12(b)(6) provides, in part, 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 which were submitted in the 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 having

been convicted of a Felony of Possession of Weapon on May 30, 1991 in the State of Michigan.

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 applicant's 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), due to having a Felony Possession of Weapon conviction in the State of Michigan on May 30, 1991.

2-24-17
Date Signed


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

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