

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 16012-AD17-0301-025

IN THE MATTER OF:)

Richard L. Johnson)
615 W. 45th Ave.)
Gary, IN 46408)

Applicant.)

FILED

JUL 21 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.

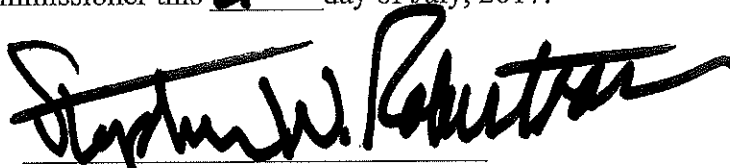
3. Neither party has filed an objection with the Commissioner regarding the Administrative Law Judge's Findings of Fact, Conclusions of Law and Recommended Order, and more than eighteen (18) days have elapsed.

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 refusal to issue Applicant's resident insurance producer license is affirmed.

ALL OF WHICH IS ORDERED by the Commissioner this 2nd day of July, 2017.



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Richard L. Johnson
615 W 45th Ave
Gary, IN 46408

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

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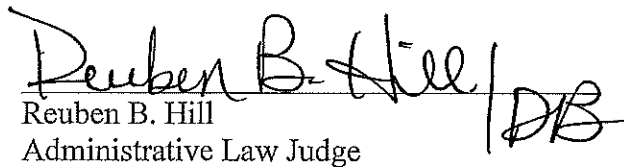
MAY 17 2017

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

MAY 17 2017

**STATE OF INDIANA
DEPT. OF INSURANCE**

IN THE MATTER OF:)

Richard L. Johnson)
615 W. 45th Ave.)
Gary, Indiana 46408)

CAUSE NO.: 16012-AD17-0301-025

Applicant.)

**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 Richard Johnson (“Applicant”). This matter came on to be heard by the ALJ on April 11, 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 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 February 8, 2017, Applicant applied for a resident producer license.
2. Applicant failed to disclose a Class Felony Nonsupport of a Dependent Child conviction.
3. On April 19, 2010, Applicant pled guilty to the felony conviction, and was sentenced to three (3) years' probation, which Applicant stated he successfully completed.
4. Applicant disclosed his felony conviction on a fact sheet to this employer, Americall Group, one (1) month prior to applying for his producer license (Applicant's Exhibit 1). Applicant stated he was confused on how to answer the Department's application question asking if Applicant had ever been convicted of a felony "because of how the arrearage questions were asked." Applicant also said he answered "no" because a background check for his current employment came back clean.
5. Applicant stated during the hearing that he initially filed for child support when his child was eight (8) years old, and because the child was already eight (8) years old, Applicant started with an arrearage.
6. Applicant is currently in an Income Withholding Order with Allen County, and One Hundred Twenty Dollars (\$120.00) is withheld from his paycheck each week.
7. The Department's Exhibit D shows Applicant currently owes Fifty-Nine Thousand Four Hundred Eight-Five and Seventy-One Cents (\$59,485.71) in arrearage. Applicant did not believe this amount was correct, but could not produce evidence to refute the amount. Applicant admitted to currently being sixty (6) months in arrearage.

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. 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.
6. Applicant's Class C Felony Nonsupport of a Dependent Child conviction is itself evidence of a felony conviction. Applicant's failure in disclosing this felony conviction demonstrates providing incorrect, misleading, incomplete or materially untrue information. Facts in aggravation include Applicant disclosed this felony conviction one (1) month prior on an application to his employer.
7. 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.

8. 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.
9. 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 affirmed.

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

(See Distribution)

Distribution:

Richard L. Johnson
615 W. 45th Ave.
Gary, Indiana 46408

Claire Szpara,
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.: 16012-AD17-0301-025

IN THE MATTER OF:)
)
INSURANCE PRODUCER LICENSE)
APPLICATION OF:)
)
Richard L. Johnson)
615 W. 45th Ave)
Gary, IN 46408)
)
Application ID: 574729)

FILED

MAR 06 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 *et seq.* and Indiana Code §27-1-15.6-12, hereby gives notice to Richard Johnson (“Applicant”) of the following Administrative Order:

1. Applicant submitted an application for licensure with the Commissioner of the Indiana Department of Insurance (“Commissioner”) on February 8, 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)(1) 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. Indiana Code §27-1-15.6-12(b)(6) provides, in part, that the Commissioner may refuse to issue an insurance producer license for having been convicted of a felony.

5. 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)(1) and Indiana Code §27-1-15.6-12(b)(6), due to having failed to report on his application a class C Felony conviction of Nonsupport of a Dependent Child in Allen County, Indiana on April 19, 2010.
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 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)(1) and Indiana Code §27-1-15.6-12(b)(6), due to Applicant's failure to report a felony conviction on his application for licensure on February 8, 2017.

3-6-17

Date Signed



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

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