

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 16102-AD17-0324-041

IN THE MATTER OF:

Gregory P. Semer
364 Sterenson St.
Decatur, IN 46733

Applicant.

FILED

AUG 03 2017

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On May 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.

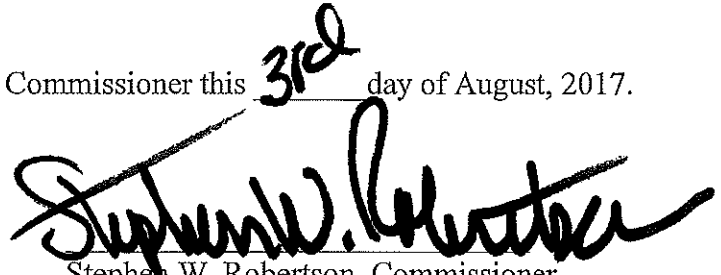
3. Neither party has filed an objection with the Commissioner regarding the Administrative Law Judge's Findings of Fact, Conclusions of Law and Recommended Order, and more than eighteen (18) days have elapsed.

Therefore, the Commissioner of Insurance, being fully advised, now hereby overturns 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. That the refusal to issue Applicant's resident 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 ORDERED by the Commissioner this 31st day of August, 2017.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Gregory Semer
364 Sterenson Street
Decatur, IN 46733

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

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**STATE OF INDIANA
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**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 Gregory Semer ("Applicant"). This matter came on to be heard by the ALJ on , April 19, 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 March 8, 2017, Applicant applied for a resident producer license.
2. Applicant disclosed a first degree misdemeanor domestic violence conviction in 2004 in the state of Ohio.
3. The incident involved Applicant and his ex-wife. Department's Exhibit 4 states Applicant's ex-wife told Bryan police that Applicant grabbed her by her face and slammed her into the bedside table. Exhibit 4 also stated Applicant grabbed his ex-wife by the throat, swore at her, and threatened to kill her and take their child. Applicant stated during the hearing that his account was not true.
4. Applicant was told by police not to return to the house for twenty-four (24) hours. Applicant stated he returned a few hours later and crawled into the house through a window because he did not have a key.
5. Applicant stated during the hearing that his ex-wife later went to Bryan police to try to get the charges dropped.
6. Applicant held a life and health insurance license in the state of Ohio from 2014-2017.
7. Applicant introduced two (2) letters of recommendation, one from a friend and one from a previous general manager.

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)(8) provides the Commissioner may refuse to issue 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.
5. Applicant's misdemeanor domestic violence conviction demonstrates using coercive practices, however, it should be noted that the aforementioned incident took place over thirteen (13) years ago and the Applicant has been both law abiding and productive since.
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 his 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 his insurance producer license was unreasonable.
8. Findings of Fact that can be adopted as a Conclusion of Law are hereby incorporated herein as such.

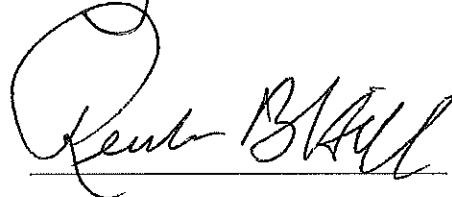
RECOMMENDED ORDER

In consideration of the 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 Applicant residence insurance producer license be issued on a probationary basis for one (1) year.

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

Commissioner of Insurance this 19th day of May, 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

Distribution:

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311 W. Washington St., Suite 103
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