

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 16302-AD17-0620-064

IN THE MATTER OF:

Timothy L. Glass II
701 Cembra Dr.
Greenwood, IN 46143

Applicant.

FILED

NOV 09 2017

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On September 22, 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 Applicant 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.
2. Applicant shall not re-apply for licensure for one (1) year.

Under Ind. Code §4-21.5-5-5, Applicant 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 9th day of November, 2017.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Timothy L. Glass II
701 Cembra Dr
Greenwood, IN 46143

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

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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.

DATED: _____

9-22-17

:



Reuben B. Hill
Administrative Law Judge

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

IN THE MATTER OF:)
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SEP 22 2017

STATE OF INDIANA
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CAUSE NO.: 16302-AD17-0620-064

**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 Timothy L. Glass II ("Applicant"). This matter came on to be heard by the ALJ on, August 15, 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 did not appear for the hearing.

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. Applicant applied for his Resident Producer License on June 8, 2017.
2. The Department filed its Preliminary Administrative Order and Notice of License Denial on July 10, 2017.
3. Applicant was denied for having been convicted of Battery, a Class B Misdemeanor on October 17, 2016, and for failing to disclose a November 19, 2012 conviction of Illegal Consumption of an Alcoholic Beverage, a Class C Misdemeanor.
4. Applicant did not appear for the hearing on August 15 and did not submit any evidence for consideration prior to the hearing.

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. 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.
6. Applicant's Class B Misdemeanor Battery conviction is itself evidence of using coercive practices or demonstrating untrustworthiness. Facts in aggravation are of the Applicant's recent conviction.
7. Applicant's failure to report his Class C Misdemeanor Illegal Consumption of an Alcoholic Beverage conviction is evidence of providing incorrect and incomplete information in a license application.
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 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 ADOPTED by the Administrative Law Judge and recommended to the Commissioner of Insurance this 22nd day of September, 2017.



Reuben B. Hill, Esq.
Administrative Law Judge

Distribution:

Timothy L. Glass II
701 Cembra Drive
Greenwood, Indiana 46143

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 No.: 16302-AD17-0620-064

IN THE MATTER OF:)
)
INSURANCE PRODUCER LICENSE)
APPLICATION OF:)
)
Timothy L. Glass II)
701 Cembra Dr)
Greenwood, IN 46143)

FILED

JUL 10 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 Timothy L. Glass II ("Applicant") of the following Administrative Order:

1. Applicant filed an application for resident licensure with the Commissioner of the Indiana Department of Insurance ("Commissioner") on June 08, 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) provides, in part, that 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, and for providing incorrect, misleading, incomplete, or materially untrue information in a license application. Following a review of materials submitted by Applicant in support of his 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)(8) due to his October 17, 2016 conviction of Battery, a Class B Misdemeanor and Indiana Code § 27-1-15.6-12(b)(1) due to his failure to disclose his November 19, 2012 conviction of Illegal Consumption of an Alcoholic Beverage, a Class C Misdemeanor.

4. 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)(8) and § 27-1-15.6-12(b)(1) due to his misdemeanor convictions and his failure to disclose his complete criminal history on his application for licensure.

7/10/17
Date Signed


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution to:

Timothy L Glass II
701 Cembra Dr
Greenwood, IN 46143

Calla Dain, Sr. Investigator
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204
317 234-8687, fax 317 234-2103