

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

Cause No.: 16043-AD17-0323-033

IN THE MATTER OF:)
)
INSURANCE PRODUCER LICENSE)
APPLICATION OF:)
)
Jeff E. Pope)
3073 Secretariat Ct.)
Aurora, IL 60502)

FILED

APR 21 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 Jeff E. Pope ("Applicant") of the following Administrative Order:

1. Applicant filed an application for nonresident licensure with the Commissioner of the Indiana Department of Insurance ("Commissioner") on December 04, 2007, which was approved.
2. Applicant's nonresident license expired on December 31, 2011.
3. Applicant filed an application to reactive his nonresident licensure with the Commissioner on February 08, 2017.
4. Before approving an application, the Commissioner must find that the applicant has met specific requirements under Indiana Code §27-1-15.6-8 and Indiana Code §27-1-15.6-12.
5. Indiana Code §27-1-15.6-12(b)(8) provides 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.

6. Indiana Code §27-1-15.6-12(b)(1) provides that the Commissioner may refuse to issue an insurance producer license for providing incorrect, misleading, incomplete, or materially untrue information in a license application.
7. Indiana Code §27-1-15.6-12(b)(9) provides that the Commissioner may refuse to issue an insurance producer license for having an insurance producer's license or its equivalent, denied.
8. Indiana Code §27-1-15.6-12(b)(2)(A) provides that the Commissioner may refuse to issue an insurance producer license for violating an insurance law.
9. Following a review of materials submitted by Applicant in support of their 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) due his February 08, 2012 Consent Order by the Illinois Department of Insurance and his failure to disclose on his 2007 application for licensure an August 12, 1994 Consent Order issued by the Illinois Department of Insurance. Furthermore, Applicant failed to timely report to the Department his February 14, 2008 and January 12, 2009 license denials by the Wisconsin Office of the Commissioner of Insurance.
10. 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) for using fraudulent, coercive, and dishonest practices, demonstrating untrustworthiness, failing to disclose an administrative action in a license application, and for violating an insurance law.

4-21-17

Date Signed



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution to:

Jeff E. Pope
3073 Secretariat Ct.
Aurora, IL 60502

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

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 16030-AD17-0323-033

IN THE MATTER OF:

Jeff Pope
3073 Secretariat Court
Aurora, Illinois 60502

Applicant.

FILED

AUG 12 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

AUG 12 2017

IN THE MATTER OF:)
)
INSURANCE PRODUCER LICENSE
APPLICATION OF:)

**STATE OF INDIANA
DEPT. OF INSURANCE**

Jeff Pope
3073 Secretariat Court
Aurora, Illinois 60502

CAUSE NO.: 16030-AD17-0323-033

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 Jeff E. Pope ("Applicant"). This matter came on to be heard by the ALJ on, May 24, 2017 and June 28, 2017 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, Cathleen Nine-Altevogt. Applicant appeared telephonically and without legal 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 submitted a nonresident insurance producer application to the Department.
2. On April 21, 2017, the Department issued a Preliminary Administrative Order and Notice of License Denial regarding Applicant's insurance producer license.
3. Applicant requested a hearing regarding the denial and a telephonic hearing was held on May 24, 2017.
4. During the hearing, the ALJ ordered a continuance in order for the Applicant to review all of the exhibits sent to him in advance. Applicant stated he did not have copies of the exhibits in front of him.
5. The second hearing was held telephonically on June 28, 2017.
6. Applicant was previously licensed in Indiana as a nonresident insurance producer from December 4, 2007 to December 31, 2011.
7. On Applicant's 2007 license application, he answered "no" to the question on his application asking whether he had ever been involved in an administrative action.
8. On July 2, 1994, Applicant signed a Consent Order with the Illinois Department of Insurance involving allegations from March 1992 that he had submitted an application for insurance and forged the insured's signature.
9. The Consent Order was issued on August 12, 1994 and resulted in a \$1,500 civil penalty. Applicant was ordered not to sign the name of an insured to any insurance application without written authorization and to make certain that information obtained when completing an application was accurate and valid.

10. While he was previously licensed in Indiana, Applicant failed to notify the Department that his Insurance Producer Applications submitted to the State of Wisconsin Office of the Commissioner of Insurance were denied in 2008 and 2009.
11. According to Applicant's license denial letters, his Wisconsin applications were denied because Applicant answered "no" to the question regarding whether he had ever been involved in an administrative action.
12. Applicant's 2008 Wisconsin license was also denied because Applicant failed to respond to written requests by the State of Wisconsin Office of the Commissioner of Insurance for more information regarding his application.
13. On December 8, 2011, Applicant signed a Consent Order with the Illinois Department of Insurance that was issued on February 8, 2012.
14. The 2012 Consent Order involved allegations that Applicant submitted an application for accidental death benefits without the insured's consent.
15. The 2012 Consent Order resulted in a civil penalty of Five Thousand Dollars (\$5,000). Applicant was ordered to not submit applications without the knowledge and consent of the consumer.
16. On his 2017 Indiana license application, Applicant revealed all the administrative actions taken against him by other states.
17. Applicant disagreed with the allegations contained in both Illinois Consent Orders.
18. Applicant contends that he learned his lesson regarding failing to disclose past administrative actions.
19. The Department introduced eight (8) exhibits.
20. Applicant did not introduce any exhibits.

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 deny a license application due to a number of causes.
4. Specifically, Indiana Code 27-1-15.6-12(b)(1) provides that the Commissioner may deny an applicant for failing to accurately answer questions on a license application.
5. Applicant violated Indiana Code 27-1-15.6-12(b)(1) by failing to answer “yes” to a question on his 2007 Indiana Insurance Producer Application regarding whether he had ever been involved in an administrative action.
6. Specifically, Indiana Code 27-1-15.6-12(b)(8) provides that the Commissioner may deny an applicant for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.
7. Applicant violated Indiana Code 27-1-15.6-12(b)(8) by signing two Illinois Consent Orders involving allegations that he submitted applications for insureds without their knowledge or consent.
8. Specifically, Indiana Code 27-1-15.6-12(b)(9) provides that the Commissioner may deny an applicant for having had a license suspended or denied in another state.

9. Applicant violated Indiana Code 27-1-15.6-12(b)(9) by twice having his Insurance Producer License denied by Wisconsin.
10. Specifically, Indiana Code 27-1-15.6-12(b)(2)(A) provides that the Commissioner may deny an applicant for having violated an insurance law.
11. Indiana Code 27-1-15.6-17(a) is an insurance law that requires producers to report any administrative action taken against the producer in another jurisdiction not more than thirty (30) days after the final disposition of the matter.
12. Applicant violated Indiana Code 27-1-15.6-12(b)(2)(A) by failing to report two (2) Wisconsin license denials to the Department while he was previously licensed in Indiana from 2007 to 2011, which is contrary to insurance law.
13. Indiana Code 4-21.5-3-14© 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 Nonresident Producer License and, therefore, bears the burden.
14. Applicant disclosed all of his administrative actions in his most recent license application to Indiana, which is a factor in mitigation.
15. Applicant's history of Illinois Consent Orders involving allegations of submitting insurance applications without the consent of the insured and his past failures to disclose administrative actions to Wisconsin and Indiana are factors in aggravation.
16. Applicant has failed to meet his burden to show that the Commissioner's denial of his license was unreasonable.
17. 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 Indiana Producer License be affirmed.
2. Applicant shall not reapply for licensure for a period of one (1) year from the issuance 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 12th day of August, 2017.



Reuben B. Hill, Esq.
Administrative Law Judge

Distribution:

Jeff E. Pope
3073 Secretariat Court
Aurora, Illinois 60502

Cathleen Nine-Altevogt, Attorney
Indiana Department of Insurance
311 West Washington St., Suite 300
Indianapolis, Indiana 46204

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 16030-AD17-0323-033

IN THE MATTER OF:

INSURANCE PRODUCER LICENSE
APPLICATION OF:

Jeff E. Pope
3073 Secretariat Court
Aurora, IL 60502

Applicant.

FILED

OCT 20 2017

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On August 12, 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 Indiana producer license is affirmed.
2. Applicant shall not reapply for licensure for a period of one (1) year.

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 20th day of October, 2017.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Jeff E. Pope
3073 Secretariat Court
Aurora, Illinois 60502

Cathleen Nine-Altevogt, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 300
Indianapolis, IN 46204