

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

Cause No.: 16275-AD17-0607-060

IN THE MATTER OF:)
)
INSURANCE PRODUCER LICENSE)
APPLICATION OF:)
)
Numar Najera Jr.)
912 McVeigh Dr.)
El Paso, TX 79912)
)
Applicant.)

FILED
OCT 20 2017
STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On August 14, 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 nonresident insurance producer license is affirmed and Applicant shall not re-apply for licensure for 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:

Numar Najera Jr.
912 McVeigh Dr.
El Paso, TX 79912

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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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)
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BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

FILED

AUG 14 2017

IN THE MATTER OF:)
)
INSURANCE PRODUCER LICENSE)
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**STATE OF INDIANA
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Numar Najera Jr.
912 McVeigh Drive
El Paso, Texas 79912

CAUSE NO.: 16275-AD17-0607-060

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 Numar Najera Jr. ("Applicant"). This matter came on to be heard by the ALJ on July 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 by telephone 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 May 30, 2017, Applicant applied for a Nonresident Producer License.
Applicant's home state is Texas.
2. Applicant disclosed a felony Driving While Intoxicated 3rd or More convictions from November 24, 2008. Applicant received his first DWI conviction on August 19, 2000 and received his second DWI conviction on September 29, 2001.
3. Applicant was placed on probation for six (6) years. He completed probation in 2014, but did not receive a discharge order because he has a remaining balance of Two Thousand Six Hundred Ninety Dollars (\$2,690.00) in probation fees.
4. Applicant admitted to having a drinking problem and testified at the hearing that he has not had a drink since 2008.
5. Applicant is currently employed at ADP and recently received his bachelor's degree in business management.
6. Applicant introduced three (3) letters of recommendation from his mother, his wife, and his employer. Applicant also introduced his own personal statement.
7. Applicant introduced insurance licenses from five (5) states that he is licensed in Texas, Arizona, Colorado, Illinois, and Maryland. Applicant stated during the hearing he is licensed in about thirteen (13) states total.

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 Driving While Intoxicated 3rd or More conviction is evidence of being convicted of a felony. Facts in aggravation include Applicant still owes Two Thousand Six Hundred Ninety Dollars (\$2690.00) in probation fees from 2014.
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 Nonresident 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 the Commissioner's decision to deny his Nonresident 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 refusal to issue Applicant's Nonresident 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 14th day of August, 2017.



Reuben B. Hill, Esq.
Administrative Law Judge

Distribution:

Numar Najera Jr.
912 McVeigh Drive
El Paso, Texas 79912

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

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FILED

JUN 09 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 Numar Najera Jr. ("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 May 30, 2017.
2. 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.
3. Indiana Code § 27-1-15.6-12(b)(6) provides that the Commissioner may refuse to issue an insurance producer license for having been convicted of a felony. 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)(6) due to his November 24, 2008 Texas conviction of Driving While Intoxicated 3rd Or More, a Third Degree Felony.

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)(6) due to his felony conviction.

6-9-17

Date Signed


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution to:

Numar Najera Jr.
912 McVeigh Dr.
El Paso, TX 79912

Calla Dain, Sr. Investigator
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