

STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF MARION    )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 16022-AG17-0523-120

IN THE MATTER OF:

Christopher Sommers  
2652 Tournament Drive  
Greenwood, IN 46143

License Number: 927925  
Respondent

**FILED**

MAR 16 2018

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

On January 24, 2018, 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 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. Respondent's resident producer license #927925 is permanently revoked.

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 16 day of March, 2018.

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Copies to:

Christopher Sommers  
2652 Tournament Dr  
Greenwood, IN 46143

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

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JAN 24 2018

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.

DATED: 1-24-17

:



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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2652 Tournament Drive                 )  
Greenwood, Indiana 46143              )

CAUSE NO.: 16022-AG17-0523-120  
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**FILED**

JAN 24 2018

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**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND RECOMMENDED ORDER**

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**STATE OF INDIANA  
DEPT. OF INSURANCE**

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 Christopher Sommers ("Respondent"). This matter came on to be heard by the ALJ on December 13, 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. Respondent failed to appear. 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. Respondent has been a Licensed Resident Producer since January 2, 2014.
2. On or around February 13, 2017, Bankers Life and Casualty Insurance Company (“Bankers”) terminated Respondent for cause as a result of an investigation conducted by Bankers’ Special Investigations Unit (“SIU”).
3. Bankers SIU discovered Respondent had misrepresented the medical history on a policyholder’s life insurance application after the policyholder submitted a complaint. The policyholder discovered incorrect answers in her medical history questionnaire when she received a copy of her application after the policy was issued. Policyholder cancelled the policy (Department’s Exhibit 4).
4. Bankers further identified eight (8) questionable electronic applications for life insurance submitted by Respondent between April 27, 201 and August 14, 2016, where no initial premium was received or the initial premium bank draft was returned for non-sufficient funds, which prompted a second SIU investigation (Department’s Exhibit 2).
5. The eight (8) questionable electronic applications included policyholders’ electronic signatures forged by Respondent (Department’s Exhibit 2).
6. A third Bankers’ SIU investigation was opened when two (2) policyholders claimed that after completing their life insurance applications with Respondent on April 12, 2016, they did not receive the policies from Respondent until on or about November 11, 2016. Bankers’ SIU discovered after a forensic document examination, conducted by SIU, that Respondent forged the signatures of the two (2) policyholders

on two (2) policy delivery receipts dated May 11, 2016. The forensic document examination indicated that it was highly unlikely that the policyholders were the authors of the signatures in question (Department's Exhibit 3).

7. When questioned by Bankers SIU investigators, Respondent admitted to submitting the applications without the knowledge or consent of the policyholders. A February 27, 2017 letter signed by Respondent was received by the Department confessing to the allegations of submitting insurance applications without the knowledge or consent of policyholders (Department's Exhibit 5).

### **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 permanently revoke an Insurance Producer License, due to a number of factors.
4. Specifically, Indiana Code 27-1-15.6-12(b)(5) allows the Commissioner to permanently revoke an Insurance Producer License for intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance.
5. Respondent knew of Policyholder's medical history and failed to disclose it on her life insurance application. Respondent's actions of materially misrepresenting Policyholder's medical history is evidence of violating Indiana Code 27-1-15.6-12(b)(5).

6. Specifically, Indiana Code 27-1-15.6-12(b)(8) allows the Commissioner to permanently revoke 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.
7. Respondent submitted multiple applications without the consent or knowledge of the policyholders in order to receive advanced commissions. Respondent's actions are evidence of violating Indiana Code 27-1-15.6-12(b)(8).
8. Specifically, Indiana Code 27-1-15.6-12(b)(10) allows the Commissioner to permanently revoke an Insurance Producer License for forging another's name to an application for insurance or to any document related to an insurance transaction.
9. Respondent submitted eight (8) electronic applications for life insurance where the policyholders' electronic signatures were forged. Further, Respondent forged the signatures of two (2) policyholders on two (2) policy delivery receipts. Respondent's actions are evidence of violating Indiana Code 27-1-15.6-12(b)(10).
10. 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. The Department is requesting the permanent revocation of Respondent's Resident Producer License and, therefore, bears the burden. The Department has met its burden of showing Respondent violated Indiana Codes 27-1-15.6-12(b)(5), 27-1-15.6-12(b)(8), and 27-1-15.6-12(b)(10).
11. Findings of Fact that can be adopted as a Conclusion of Law are hereby incorporated herein as such.

**RECOMMENDED ORDER**

IT IS THEREFORE RECOMMENDED:

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 Respondent's Resident Producer License #927925 be permanently revoked effective the date the Final Order is issued.

**ALL OF WHICH IS ADOPTED** by the Administrative Law Judge and recommended to the **Commissioner of Insurance** this 24<sup>th</sup> day of January, 2018.



Reuben B. Hill, Esq.  
Administrative Law Judge

**Distribution:**

Christopher Sommers  
2652 Tournament Drive  
Greenwood, Indiana 46143

Claire Szpara, Attorney  
Indiana Department of Insurance  
311 West Washington Street, Suite 103  
Indianapolis, Indiana 46204



STATE OF INDIANA     )  
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BEFORE THE INDIANA  
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CAUSE NUMBER: 16022-AG17-0523-120

IN THE MATTER OF:

Christopher J. Sommers  
2652 Tournament Dr  
Greenwood, IN 46143

Respondent.

License Number: 927925

Type of Action: Enforcement

**FILED**

OCT 25 2017

STATE OF INDIANA  
DEPT. OF INSURANCE

**STATEMENT OF CHARGES**

The Enforcement Division of the Indiana Department of Insurance ("Department"), by counsel, Claire Szpara, pursuant to the Indiana Administrative Orders and Procedures Act, Indiana Code § 4-21.5 *et seq.*, and Indiana Code § 27-1-15.6-12(b), files its Statement of Charges against Christopher J. Sommers ("Respondent"), as follows:

**FACTS**

1. Respondent, a resident insurance producer, has held resident producer license number 927925 since January 02, 2014.
2. On or around February 13, 2017, the Department was notified by Bankers Life and Casualty Insurance Company ("Bankers") that Respondent was terminated for cause as a result of an investigation by their Special Investigations Unit ("SIU").
3. It was discovered by Bankers SIU, after a complaint submitted by a policyholder, that Respondent had misrepresented the medical history on the policyholder's life insurance application.

4. When the policyholder received a copy of her application after the issuance of the policy, she discovered the incorrect answers in her medical history questionnaire and canceled the policy.
5. Bankers then identified eight (8) questionable electronic applications for life insurance submitted by Respondent between April 27, 2016 and August 14, 2016 where no initial premium was received or the initial premium bank draft was returned for non-sufficient funds, which prompted a second SIU investigation.
6. When questioned by Bankers SIU investigators, Respondent admitted to submitting the applications without the knowledge or consent of the policyholders.
7. The applications included the policyholder's electronic signatures which were forged by Respondent.
8. Bankers SIU then opened a third investigation when two (2) policyholders claimed that after completing their life insurance applications with Respondent on April 12, 2016, they did not receive the policies from Respondent until on or about November 11, 2016.
9. Bankers SIU discovered after the a forensic document examination (conducted by SIU) that Respondent forged the signatures of (2) policyholders on two (2) policy delivery receipts dated May 11, 2016; the forensic document examination indicated that it was highly unlikely that the policyholders were the authors of the signatures in question.
10. On February 27, 2017 a signed letter from Respondent was received by the Department.
11. In that letter, Respondent confessed to the allegations of submitting insurance applications without the knowledge or consent of policyholders.

## **CHARGES**

### **COUNT I**

1. Respondent's conduct in submitting an application for life insurance with material misrepresentation of facts violates Indiana Code § 27-1-15.6-12(b)(5), which provides that the Commissioner may fine and permanently revoke an insurance a producer license for intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance.

### **COUNT II**

1. Respondent's conduct in submitting eight (8) applications for insurance without the policyholders knowledge or consent violates Indiana Code § 27-1-15.6-12(b)(8), which provides that the Commissioner may fine and permanently revoke 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.

### **COUNT III**

1. Respondent's conduct in forging the signatures of eight (8) policyholders on applications for insurance violates Indiana Code § 27-1-15.6-12(b)(10), which provides that the Commissioner may fine and permanently revoke an insurance producer license for forging another's name to an application for insurance or to any document related to an insurance transaction.

### **COUNT IV**

1. Respondent's conduct in forging the signatures of two (2) policyholders on receipts of delivery of two (2) insurance policies violates Indiana Code § 27-1-15.6-12(b)(10), which

provides that the Commissioner may fine and permanently revoke an insurance producer license for forging another's name to an application for insurance or to any document related to an insurance transaction.

**WHEREFORE**, the Enforcement Division of the Indiana Department of Insurance, by counsel, Claire Szpara, requests that the Commissioner set this matter for a hearing pursuant to Indiana Code § 4-21.5 and:

- (1) Issue an order permanently revoking Respondent's insurance producer license;
- (2) Impose a fine in the amount of Ten Thousand Dollars (\$10,000) and for all other necessary and appropriate relief.

Respectfully submitted,



Claire Szpara, #34219-64  
Attorney, Enforcement Division

Claire Szpara  
Indiana Department of Insurance  
Enforcement Division  
311 West Washington Street, Suite 103  
Indianapolis, Indiana 46204-2787  
Telephone: (317) 232-5312  
Facsimile: (317) 232-5251



**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing has been served upon the following Respondent by  
United States first class mail, postage prepaid, this 23 day of October, 2017.

Christopher J. Sommers  
2652 Tournament Dr  
Greenwood, IN 46143

  
\_\_\_\_\_  
Claire Szpara, #34219-64