

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 16353-AG17-0815-160

IN THE MATTER OF:)
)
Melissa Brooks)
784 Aerostar Ct.)
Avon, IN 46123)
)
License Number: 1007665)
Respondent)

FILED

FEB 09 2018

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On December 13, 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 on Respondent by mailing the same to her 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 # 1007665 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 9th day of February, 2018.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Melissa Brooks
784 Aerostar Court
Avon, IN 46123

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

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784 Aerostar Ct.)
Avon, Indiana 46123)

Applicant.)

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DEC 13 2017

STATE OF INDIANA
DEPT. OF INSURANCE

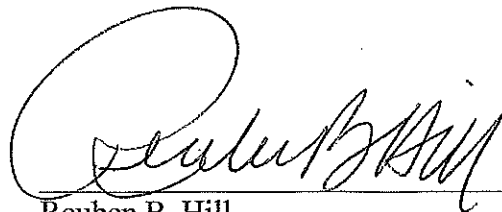
NOTICE OF FILING OF RECOMMENDED ORDER

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.

DATED:

Dec 13, 2017



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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Melissa Brooks)
784 Aerostar Ct.)
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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 Melissa Brooks (“Respondent”). This matter came on to be heard by the ALJ on October 26 , 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 December 2014.
2. On October 6, 2016, Complainant visited Respondent at Northwest Insurance Network to purchase automobile insurance. Complainant supplied a cash premium payment and Respondent issued Complainant insurance identification cards showing coverage effective October 7, 2016.
3. On October 7, 2016, Complainant's car was involved in a one-vehicle accident resulting in a total loss of the car.
4. Complainant submitted a claim to the auto insurer listed on the insurance card, but the insurer denied coverage due to having no record of Complainant's policy.
5. Respondent admitted to Complainant coverage was not processed and agreed in writing to make personal payments to Complainant to cover the loss (Department's exhibit 4) Respondent ceased making payments and communications after she paid Complainant between Six Thousand Dollars (\$6,000) and Eight Thousand Dollars (\$8,000).

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.

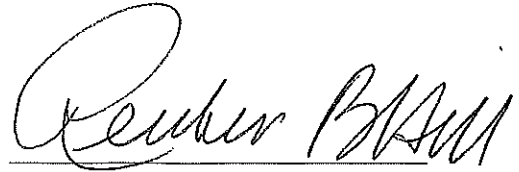
3. Indiana Code 27-1-15.6-12(b) states that the Commissioner may permanently revoke an Insurance Producer License, due to a number of factors.
4. Specifically, Indiana Code 27-1-15.6-12(b)(8) allows the Commissioner to permanently revoke an Insurance Producer's License for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.
5. Respondent's actions in issuing insurance cards without processing the coverage, personally paying Complainant for the damage, and eventually ceasing payments and communication with Complainant is evidence of violating Indiana Code 27-1-15.6-12(b)(8).
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. 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 Code 27-1-15.6-12(b)(8)
7. 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 Respondent's Resident Producer License #1007665 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 13th day of December, 2017.



Reuben B. Hill, Esq.
Administrative Law Judge

Distribution:

Melissa Brooks
784 Aerostar Court
Avon, Indiana 46123

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

STATE OF INDIANA)
) SS:
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BEFORE THE INDIANA
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CAUSE NUMBER: 16353-AG17-0815-160

IN THE MATTER OF:)
)
Melissa Brooks)
784 Aerostar Ct.)
Avon, IN 46123)
)
License Number: 1007665)
Respondent)
)
Type of Agency Action: Enforcement)

FILED
SEP 26 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.*, files its Statement of Charges against Respondent Melissa Brooks, as follows:

FACTS

1. Respondent holds resident license number 1007665, continuously in effect since December 26, 2014.
2. Respondent was employed by Northwest Insurance Network (“Northwest”), a licensed nonresident independent insurance agency.
3. Complainant visited the Northwest location where Respondent was employed on October 6, 2016, to purchase automobile insurance for Complainant’s automobile.
4. Complainant supplied a premium payment in cash, and Respondent supplied Complainant with insurance identification cards, showing coverage, including collision coverage, effective October 7, 2016.

5. On October 7, 2016, Complainant's automobile was involved in a one vehicle accident with the automobile ultimately being deemed a total loss.
6. Complainant submitted a claim to the automobile insurer listed on their insurance card, but the insurer denied coverage, due to having no record of Complainant's policy.
7. Respondent subsequently admitted to the Complainant that she did not process the coverage, allegedly due to a system problem at Northwest, and she agreed in writing to make payments to the Complainant to cover the loss.
8. Respondent, after making between \$6,000 and \$8,000 in payments to Complainant, ceased making payments, and then ceased to acknowledge communications from Complainant.

COUNT 1

1. Averments 1 through 8 are incorporated fully herein by reference.
2. Indiana Code § 27-1-15.6-12(b) states the Commissioner may revoke an insurance producer license, due to a number of causes.
3. Respondent's conduct in accepting cash payment of premium for an auto insurance policy and not securing the coverage is a violation of Indiana Code § 27-1-15.6-12(b)(8), which provides that the Commissioner may 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.

WHEREFORE, the Enforcement Division of the Indiana Department of Insurance, by counsel, Claire Szpara, requests that the Commissioner of Insurance:

- (1) Issue an order permanently revoking Respondent's license;
- (2) Set this matter for a hearing pursuant to Indiana Code § 4-21.5; and
- (3) Issue all other relief necessary and proper upon the premise.

Respectfully submitted,



Claire Szpara, Attorney # 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 certified mail, postage prepaid, this 26 day of September, 2017.

Melissa Brooks
784 Aerostar Ct.
Avon, IN 46123

Certified Mail 7016 2140 0000 9009 3525



Claire Szpara #34219-64
Attorney, Enforcement Division