

STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF MARION    )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

Cause No.: 16457-AD17-0914-091

IN THE MATTER OF:                     )  
  )  
INSURANCE PRODUCER LICENSE        )  
APPLICATION OF:                        )  
  )  
Christian D. Lipscomb                 )  
4374 Liverpool Ct                     )  
Denver, CO 80249                     )

**FILED**

JAN 05 2018

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

On November 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 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 denial of Applicant's nonresident producer license is affirmed.
2. Applicant shall not reapply 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 5 day of January, 2018.

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Copies to:

Christian Lipscomb  
4374 Liverpool Ct.  
Denver, CO 80249

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

STATE OF INDIANA )  
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BEFORE THE INDIANA  
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CAUSE NUMBER: 16457-D17-0914-091

IN THE MATTER OF:

Christian D. Lipscomb  
4374 Liverpool Court  
Denver, Colorado 80249

Applicant.

**FILED**  
NOV 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:

Nov 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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Christian D. Lipscomb )  
4374 Liverpool Ct. )  
Denver, Colorado 80249 )

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**FILED**

NOV 13 2017

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

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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 Christian Lipscomb ("Applicant"). This matter came on to be heard by the ALJ on, October 18, 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 phone 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. Applicant reapplied for a Non Resident Producer License on September 1, 2017.  
Applicant was previously licensed in 2014 and his license expired July 2016.
2. On Applicant's 2014 application, he failed to disclose his criminal history. Applicant has a 2002 Felony Assault Likely to Cause Injury conviction in California, a 2009 Harassment conviction in Texas, and a 2013 Class 2 Misdemeanor Criminal Mischief as an Act of Domestic Violence Conviction in Colorado.
3. Applicant stated during the hearing that these convictions stemmed from verbal arguments with girlfriends when they were breaking up.
4. Applicant stated during the hearing that he misunderstood the application questions and believed the background check on the application was state specific.
5. Applicant submitted two (2) character letters as exhibits: one (1) letter from Gary Hubbard, Director of Training at Tele Tech Holdings, Inc. and one (1) letter from Cecilia Arce, retired National Crime Information Center Agent for the Denver Police Department Headquarters.

### **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) allows the Commissioner to deny an Insurance Producer's License for having been Convicted of a Felony.
5. Specifically, Indiana Code 27-1-15.6-12(b)(8) allows the Commissioner to deny 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.
6. Specifically, Indiana Code 27-1-15.6-12(b)(1) allows the Commissioner to deny an Insurance Producer's License for providing incorrect, misleading, incomplete or materially untrue information on a license application.
7. Applicant's Felony Assault Likely to Cause Injury Conviction, Harassment Conviction Class 2 Misdemeanor Criminal Mischief as an Act of Domestic Violence Conviction, and failure to disclose his criminal history on his 2014 application for licensure is evidence of violating Indiana Codes 27-1-15.6-12(b)(6), 27-1-15.6-12(b)(8) and 27-1-15.6-12(b)(1).
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 Non 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 filed to prove the Commissioner's decision to deny his Non Resident License was unreasonable.

10. Findings of Fact that can be adopted as a Conclusion of Law are hereby incorporated herein.

**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 denial of Applicant's Non Resident Producer License be affirmed and Applicant shall not reapply for licensure for one (1) year from 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 13<sup>th</sup> day of November, 2017.



Reuben B. Hill, Esq.  
Administrative Law Judge

**Distribution:**

Christian Lipscomb  
4374 Liverpool Court  
Denver, Colorado 80249

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

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**FILED**

SEP 22 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 Christian D. Lipscomb ("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 July 25, 2014, which was approved.
2. Applicant's nonresident license expired on July 31, 2016.
3. Applicant filed an application to reactive his nonresident licensure with the Commissioner on September 01, 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)(6) provides that the Commissioner may refuse to issue an insurance producer license for having been convicted of a felony.



6. 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.
7. 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.
8. 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)(6) due to his December 17, 2002 California conviction of Assault Likely to Cause Injury, a Felony, Indiana Code § 27-1-15.6-12(b)(8) due to his September 26, 2009 Texas conviction of Harassment and August 16, 2013 Colorado conviction of Criminal Mischief as an Act of Domestic Violence, a Class 2 Misdemeanor, and Indiana Code § 27-1-15.6-12(b)(1) for his failure to disclose his criminal convictions on his July 25, 2014 application for licensure.
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), § 27-1-15.6-12(b)(8), and § 27-1-15.6-12(b)(1) due to his criminal convictions and his failure to disclose them on an application for licensure.

9-22-17  
Date Signed

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution to:

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4374 Liverpool Ct  
Denver, CO 80249

Calla Dain, Sr. Investigator  
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