

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 16546-AD17-1023-108

IN THE MATTER OF:)
)
INSURANCE PRODUCER LICENSE)
APPLICATION OF:)
)
Jordan R. Clem)
430 N Roosevelt St)
Bloomington, IN 47408)
)
Applicant.)

FILED

APR 03 2018

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On February 7, 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 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 Denial of Applicant's resident producer license is Affirmed and 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 3 ^{April} day of March, 2018.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Jordan Clem
430 N Roosevelt Street
Bloomington, IN 47408

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

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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.

DATED:

Feb 7, 2018

:



Reuben B. Hill
Administrative Law Judge

STATE OF INDIANA)
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BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

IN THE MATTER OF:)

Insurance Producer License)
Application Of:)

CAUSE NO.: 16546-AD17-1023-108

Jordan R. Clem)
430 N. Roosevelt Street)
Bloomington, Indiana 47408)

FILED

FEB 07 2018

**STATE OF INDIANA
DEPT. OF INSURANCE**

**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 Jordan Clem ("Applicant"). This matter came on to be heard by the ALJ on November 28, 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 in person 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 applied for his Resident Producer License on October 4, 2017.
2. Applicant disclosed a Causing Death While Operating a Motor Vehicle While Intoxicated conviction, a Level 5 Felony, on May, 2016.
3. At the hearing, Applicant testified that he and a friend were downtown having drinks, and he drove him and his friend home in his friend's car. Applicant stated he got distracted and caused a single-car accident, resulting in the death of his friend.
4. Applicant was sentenced to one (1) year in the Department of Corrections and one (1) year home detention. Applicant stated during the hearing that he was released from home detention on October 31, 2017.
5. Applicant is currently serving a one (1) year probation.
6. Applicant testified that prior to this incident, he has never been arrested.

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 License for having been convicted of a felony.

5. Applicant's Level 5 Felony Causing Death While Operating a Motor Vehicle While Intoxicated conviction is evidence of violating Indiana Code 27-1-15.6-12(b)(6). Facts in aggravation include the recentness of Applicant's conviction and the fact that Applicant is still serving probation.
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 Resident 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 Resident 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

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 the denial of Applicant's 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 7th day of February, 2018.

A handwritten signature in cursive script, appearing to read "Reuben B. Hill", written over a horizontal line.

Reuben B. Hill, Esq.
Administrative Law Judge

Distribution:

Jordan Clem
430 N. Roosevelt Street
Bloomington, Indiana 47408

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

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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 Jordan R. Clem ("Applicant") of the following Administrative Order:

1. Applicant filed an application for resident licensure with the Commissioner of the Indiana Department of Insurance ("Commissioner") on October 04, 2017.
2. Before approving an application, the Commissioner must find that the applicant has met specific requirements under Indiana Code § 27-1-15.6-6 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.
4. 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 May 04, 2016 Indiana conviction of Causing Death When Operating a Motor Vehicle While Intoxicated, a Level 5 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.

November 3, 2017

Date Signed

A handwritten signature in black ink, reading "Stephen W. Robertson", written over a horizontal line.

Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution to:

Jordan R. Clem
430 N Roosevelt St
Bloomington, IN 47408

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