

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 16645-AD17-1115-117

IN THE MATTER OF )  
INSURANCE PRODUCER )  
APPLICATION OF: )

Jennifer Rist )  
2413 Riverside Drive )  
South Bend, IN 46616 )  
Applicant. )

**FILED**  
APR 27 2018  
STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

On March 28, 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 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. The decision to deny Applicant's resident insurance producer license is affirmed and Applicant shall not reapply for licensure for a period of six (6) months.

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 27 day of April, 2018.

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Copies to:

Jennifer Rist  
2413 Riverside Dr.  
South Bend, IN 46616

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: 3-28-2018



Reuben B. Hill  
Administrative Law Judge

STATE OF INDIANA )  
 ) SS:  
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BEFORE THE INDIANA  
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IN THE MATTER OF: )  
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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 Jennifer Rist (“Applicant”). This matter came on to be heard by the ALJ on December 14, 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. 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 her Resident Producer License on October 30, 2017. Applicant's married name is Uline. She was previously licensed in Indiana from November 2010 to November 2017 under her maiden name Rist. She applied under her maiden name Rist on this 2017 application.
2. Applicant disclosed a Class B Misdemeanor Criminal Recklessness conviction and a Class A Misdemeanor Domestic Battery conviction from October 18, 2016.
3. At the hearing, Applicant testified that she overreacted and was scared regarding the incident leading up to her arrest. Applicant testified that she sought counseling after this incident.
4. The Applicant was very remorseful for the manner in which she responded to her husband's behavior.
5. Applicant has fulfilled her responsibilities to the Court as a result of her conviction.
6. Applicant presented at the hearing as a very emotional and caring person.
7. Both Applicant and her husband were very emotional and contrite. Applicant's husband attempted to assume most of the responsibility for the incident that gave rise to Applicant's arrest.

8. The Applicant has no prior incidents of wrong doing and did not contribute to the prior incident that precipitated her reaction. Applicant has learned a lot about herself as a result of this incident and is not likely to engage in criminal conduct in the future.
9. Bill Uline, Applicant's husband, testified on behalf of Applicant. Mr. Uline stated that Applicant caught him having an affair and she "reacted as I believe any human would react". Mr. Uline stated that Applicant is very passionate about the insurance field and was before he met her, and he felt horrible that this is brought on because of his actions.
10. Applicant introduced one (1) exhibit into evidence. Exhibit A is a character reference letter from Alysia Boehner, Insurance Agency Manager of Korhorn Financial Group, Inc.

#### **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 factors.
4. Specifically, Indiana Code 27-1-15.6-12(b)(8) allows the Commissioner to deny 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.
5. The evidence suggests that both Applicant and husband overreacted in this domestic incident.

6. An additional mitigating fact in this matter is that Applicant is not likely to engage in such conduct in the future.
7. Applicant's October 18, 2016 Class A Misdemeanor Domestic Battery conviction is evidence of violating Indiana Code 27-1-15.6-12(b)(8). Facts in aggravation include the recentness of Applicant's conviction.
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 her 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 failed to show that the Commissioner's decision to deny her Resident Producer License was unreasonable.
10. 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. The decision to deny Applicant's Resident Producer License is affirmed and Applicant shall not reapply for licensure for a period of six (6) months from the date of the the signing of the Final Order.

**ALL OF WHICH IS ADOPTED** by the Administrative Law Judge and recommended to the  
Commissioner of Insurance this 28<sup>th</sup> day of March, 2018.



Reuben B. Hill, Esq.  
Administrative Law Judge

Distribution:

Jennifer Rist  
2413 Riverside Drive  
South Bend, Indiana 46616

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



STATE OF INDIANA )  
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BEFORE THE INDIANA  
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CAUSE NO.: 16645-AD17-1115-117

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**FILED**  
NOV 29 2017  
STATE OF INDIANA  
DEPT. OF INSURANCE

NOTICE OF HEARING

Notice is hereby given, pursuant to Indiana Code § 4-21.5-3 *et seq.*, that an evidentiary hearing will be held on Dec. 14, 2017, at 10:00 ~~(A.M.)~~ P.M. Eastern Time, at 311 West Washington Street, Suite 103, Indianapolis, Indiana, to determine whether to grant the Applicant's request for approval of her resident producer's license.

The hearing will be conducted in accordance with the provisions of the Administrative Orders and Procedures Act, codified at Indiana Code § 4-21.5-3 *et seq.* The Commissioner's authority to deny or refuse to renew an insurance agent's license application is contained in Indiana Code § 27-1-15.6-12(b).

The issues to be resolved at the hearing are those described in the Preliminary Administrative Order and Notice of License Denial filed on November 27, 2017.

The Indiana Department of Insurance asserts that Applicant has not fully met the requirements of licensure under Indiana Code § 27-1-15.6-12 due to having three (3) misdemeanor

convictions: criminal recklessness, domestic battery, and conversion, in violation of Indiana Code § 27-1-15.6-12(b)(8).

In accordance with Indiana Code § 27-1-15.6-34, the Administrative Law Judge in this matter is:

Reuben B. Hill  
Indiana Department of Insurance  
311 West Washington Street - Suite 103  
Indianapolis, Indiana 46204-2787  
Telephone: 317/232-3520

The Department of Insurance will be represented by its counsel, Claire Szpara, who can be reached at:

Indiana Department of Insurance  
311 West Washington Street - Suite 103  
Indianapolis, Indiana 46204-2787  
Telephone: 317/232-5312

A party who fails to attend or participate in a pre-hearing conference, hearing or other later stage of the proceeding, may be held in default or have a proceeding dismissed under Indiana Code § 4-21.5-3-24.

Dated: Nov 29, 2017

Reuben B. Hill  
Administrative Law Judge  
Indiana Department of Insurance

This Notice has been sent to:

Jennifer Rist  
2413 Riverside Dr  
South Bend, IN 46616

Melissa Higgins, Insurance Investigator  
Indiana Department of Insurance  
311 West Washington St., Suite 103  
Indianapolis, IN 46204-2787

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South Bend, IN 46616 )  
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Application ID: 617046 )

**FILED**

NOV 17 2017

STATE OF INDIANA  
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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 *et seq.* and Indiana Code § 27-1-15.6-12, hereby gives notice to Jennifer Rist (“Applicant”) of the following Administrative Order:

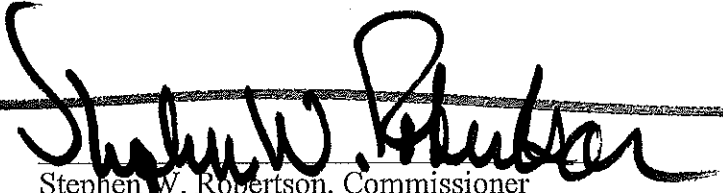
1. Applicant submitted an application for licensure with the Commissioner of the Indiana Department of Insurance (“Commissioner”) on October 30, 2017.
2. Before approving an application, the Commissioner must find that the applicant has met specific requirements under Indiana Code § 27-1-15.6-6 and Indiana Code § 27-1-15.6-12.
3. 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.
4. Following a review of materials which were submitted in the 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)(8), due to having misdemeanor convictions of Criminal Recklessness, Domestic Battery, and Conversion in St. Joseph County, Indiana on October 18, 2016.

5. 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 applicant's 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)(8), due to Applicant's multiple misdemeanor convictions in the State of Indiana.

*November 17, 2017*  
Date Signed

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

Jennifer Rist  
2413 Riverside Dr  
South Bend, IN 46616

Melissa Higgins, Investigator  
Indiana Department of Insurance  
311 W. Washington St., Suite 103  
Indianapolis, IN 46204  
317 234-8687, fax 317 234-2103