

STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF MARION    )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 16651-AG17-1127-219

IN THE MATTER OF:                     )  
  )  
INSURANCE PRODUCER LICENSE        )  
APPLICATION OF:                        )  
  )  
Ashley D. Stewart                     )  
3351 Harpeth Spring Dr.               )  
Nashville, TN 37221                   )  
  )  
Applicant.                                )

**FILED**

APR 13 2018

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

On February 19, 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 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. Applicant is GRANTED a non-resident insurance producer license on a two (2) year probationary status.

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 13 day of April, 2018.

A handwritten signature in dark ink, appearing to read "Stephen W. Robertson", is written over a horizontal line. The signature is stylized and cursive.

Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Copies to:

Ashley Stewart  
3351 Harpeth Spring Drive  
Nashville, TN 37221

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

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 16651-AG17-1127-219

IN THE MATTER OF: )

Insurance Producer License )  
Application Of: )

Ashley D. Stewart )  
3351 Harpeth Spring Drive )  
Nashville, Tennessee 37221 )

Applicant. )

**FILED**

FEB 19 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: 19 Feb 2018

:



Reuben B. Hill  
Administrative Law Judge

STATE OF INDIANA       )  
                                  ) SS:  
COUNTY OF MARION     )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

IN THE MATTER OF:       )

Insurance Producer License  
Application Of:       )

Ashley D. Stewart  
3351 Harpeth Spring Drive  
Nashville, Tennessee 37221

Applicant.       )

CAUSE NO.: 16651-AG17-1127-219

**FILED**

FEB 19 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 Ashley Stewart ("Applicant"). This matter came on to be heard by the ALJ on January 11, 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 by telephone 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 a Non Resident Producer License on October 20, 2017.
2. Applicant disclosed a Tennessee conviction for Sell Schedule VI Drugs, a Class E Felony, from September 5, 2012. Applicant was sentenced to nine (9) months in jail and successfully completed probation in November 2014.
3. Applicant testified that she was living with her boyfriend at the time of the conviction. Her boyfriend was selling marijuana from their house, and one buyer had a recording device that was turned over to the police. Applicant stated she was charged with the felony because she physically handed the marijuana to the buyer several times.
4. Applicant has been licensed in her home state of Tennessee since 2015, and has received licenses in ten (10) other states.
5. Applicant admitted eight (8) exhibits at the hearing. Exhibits A through C are character reference letters, and Exhibit H is photocopies of her eleven (11) Producer Licenses.
6. Applicant is the manager at her current company, Family First Life. She wants to be licensed in all states that her agents are located in so that she can go help them in those states if needed.

### **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 2012 Sell Schedule VI Drugs, a Class E Felony conviction, is evidence of violating Indiana Code 27-1-15.6-12(b)(6). Facts in mitigation include the length of time since the conviction and Applicant's lack of subsequent criminal history.
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 her Non 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, due to mitigating factors, Applicant should be granted a two (2) year probationary license.
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 Applicant be granted her Non Resident Insurance Producer License on a two (2) year probationary status.

**ALL OF WHICH IS ADOPTED** by the Administrative Law Judge and recommended to the Commissioner of Insurance this 19<sup>th</sup> day of February, 2018.



Reuben B. Hill, Esq.  
Administrative Law Judge

Distribution:

Ashley Stewart  
3351 Harpeth Spring Drive  
Nashville, Tennessee 37221

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

STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF MARION    )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

Cause No.: 16651-AG17-1127-219

IN THE MATTER OF:                     )  
  )  
INSURANCE PRODUCER LICENSE         )  
APPLICATION OF:                        )  
  )  
Ashley D. Stewart                     )  
3351 Harpeth Spring Dr.             )  
Nashville, TN 37221                 )

**FILED**

DEC 04 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 Ashley D. Stewart ("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 October 20, 2017.
2. 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.
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 her application, the Commissioner being fully advised, now hereby notifies Applicant that she has not fully met the requirements of licensure as stated by Indiana Code § 27-1-15.6-12(b)(6) due to her September 05, 2012 Tennessee conviction of Sell Schedule VI Drugs, a Class E Felony.



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 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 her felony conviction.

12/4/2017  
Date Signed

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution to:

Ashley D. Stewart  
3351 Harpeth Spring Dr.  
Nashville, TN 37221

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