

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 16837-AD18-0109-003⁸₁⁶ TR

IN THE MATTER OF:)
)
INSURANCE PRODUCER LICENSE)
APPLICATION OF:)
)
James Eric Washington Sr.)
542 North Traub Avenue)
Indianapolis, IN 46222)
)
Applicant.)
)
Type of Agency Action: Enforcement)
)
Application ID: 627249)

FILED

MAY 29 2018

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On April 4, 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 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.

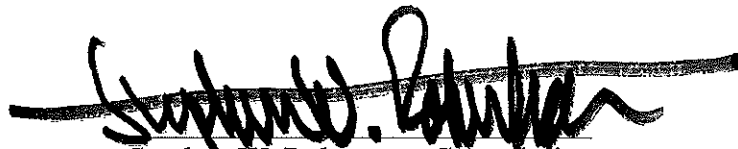
Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Applicant is GRANTED an Indiana insurance producer license on a probationary status of two (2) years.

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 29 day of May, 2018.

A handwritten signature in black 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:

James Eric Washington Sr.
542 North Traub Avenue
Indianapolis, IN 46222

Erica Dobbs, 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

IN THE MATTER OF:)

INSURANCE PRODUCER LICENSE)
APPLICATION OF:)

James Eric Washington Sr.)
542 North Traub Avenue)
Indianapolis, Indiana 46222)

Applicant.)

Type of Agency Action: Enforcement)

Application ID: 627249)

CAUSE NO.: 16838-AD18-0109-005¹ ^{6TP}

FILED

APR 04 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 James Eric Washington Sr. (“Applicant”). This matter came on to be heard by the ALJ on February 28, 2018 at 10:00a.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, Erica J. Dobbs. 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 submitted his application for Resident Producer License on January 3, 2018 (Department's Exhibit 1)
2. Applicant answered "yes" to the application question that asks "Have you ever been convicted of a felony"?
3. Applicant was convicted of Operating a Vehicle as a Habitual Traffic Violator ("HTV"), a Level 6 Felony on April 14, 2017 and sentenced to Three Hundred Sixty-Three (363) days of probation (Department's Exhibit 4).
4. Applicant testified that his only other criminal history is the misdemeanor driving while suspended convictions that led to his HTV status.
5. Applicant testified he is in the process of challenging some of the underlying traffic infraction judgments on his driving record and the attorney representing him expects his HTV status to be rescinded.
6. Applicant testified he is employed by GEICO, where he works in a call-center to which he is driven each day by a friend. Applicant states he has been employed by GEICO since December 2017.
7. Applicant did not admit any exhibits at the hearing. Applicant submitted twelve (12) letters of recommendation after the hearing. One (1) of the letters is from Applicant's manager at GEICO attesting to Applicant's work quality and position within the company. One (1) letter is from a friend, Ashley, confirming that she serves as Applicant's driver

CONCLUSIONS OF LAW

1. The Commissioner of the Indiana Department of Insurance (“Commissioner”) 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. Applicant’s 2017 conviction for Operating as a Habitual Traffic Violator, a Level 6 Felony, is evidence of his having been convicted of a felony. Facts in mitigation include Applicant’s lack of other criminal history and the corrective steps Applicant is taking regarding his driver’s license status.
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 him a Resident Producer License and, therefore, bears the burden.
7. Pursuant to Indiana Code 27-1-15.6-12(d), a hearing was held to determine the reasonableness of the Commissioner’s decision. Due to mitigating factors, Applicant should be granted a probationary license.
8. Findings of Fact that can be adopted as Conclusions of Law are hereby incorporated herein as such.

RECOMMENDED ORDER

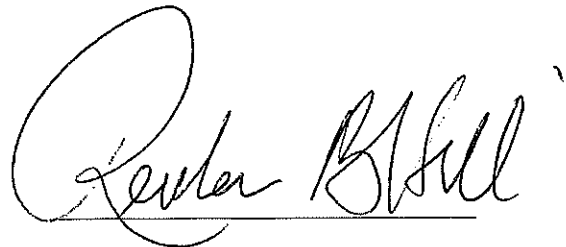
IT IS THEREFORE RECOMMENDED:

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's application for an Indiana Resident Producer License should be granted on a probationary basis for two (2) years.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the

Commissioner of Insurance this 4th day of April, 2018



Reuben B. Hill, Esq.
Administrative Law Judge

Distribution:

James Eric Washington Sr.
542 North Traub Avenue
Indianapolis, Indiana 46222

Erica J. Dobbs, 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.: 16838-AD18-0119-006

IN THE MATTER OF:)
)
INSURANCE PRODUCER LICENSE)
APPLICATION OF:)
)
James Eric Washington Sr.)
542 North Traub Avenue)
Indianapolis, IN 46222)
)
Applicant)

FILED

FEB 07 2018

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 February 28, 2018, 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 a 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 an insurance producer'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 January 26, 2018.

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 a conviction for

Operating as a Habitual Traffic Violator, a Level 6 Felony, which is in violation of Indiana Code § 27-1-15.6-12(b)(6).

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, Erica J. Dobbs, who can be reached at:

Indiana Department of Insurance
311 West Washington Street - Suite 103
Indianapolis, Indiana 46204-2787
Telephone: 317-232-5887

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: 2-7-18

Reuben B. Hill
Administrative Law Judge
Indiana Department of Insurance

This Notice has been sent to:

James Eric Washington Sr.
542 North Traub Avenue
Indianapolis, IN 46222

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

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

Cause No.: 16838-AD18-0119-006

IN THE MATTER OF:)
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INSURANCE PRODUCER LICENSE)
APPLICATION OF:)
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James Eric Washington Sr.)
542 North Traub Ave.)
Indianapolis, IN 46222)
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Applicant.)
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Type of Agency Action: Enforcement)
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FILED

JAN 26 2018

**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 James Eric Washington Sr. (“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 January 3, 2018.
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 or renew an insurance producer license for having been convicted of a felony.
4. Following a review of materials submitted by Applicant in support of their 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 April 17, 2017 conviction for Operating as a Habitual Traffic Violator, a Level 6 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 his felony conviction.

1-26-2018
Date Signed


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution to:

James Eric Washington Sr.
542 North Traub Ave.
Indianapolis, IN 46222

Taylor Peycha, Insurance Investigator
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204
317-233-9432, fax 317 234-2103