

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO: 16324-AG17-0913-169

IN THE MATTER OF:)
)
Paidemoyo Charasika)
8211 Nottingham Pkwy)
Louisville, KY 40222)
)
Respondent.)
)
License Number: 450648)
)
Type of Agency Action: Enforcement)

FILED

SEP 10 2018

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On July 18, 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. Respondent's nonresident producer license #450648 is permanently REVOKED.

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 10 day of September, 2018.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Paidemoyo Charasika
8211 Nottingham Pkwy
Louisville, KY 40222

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

CAUSE NUMBER: 16324-AG17-0913-169

IN THE MATTER OF:

Paidemoyo Charasika
8211 Nottingham Parkway
Louisville, Kentucky 40222

Respondent.

License Number: 450648

Type of Agency Action: Enforcement

FILED

JUL 18 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, the Parties must object to the
order in a writing that: 1) Identifies the basis for the 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:

July 18, 2018

Reuben B. Hill

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:)

Paidemoyo Charasika)
8211 Nottingham Parkway)
Louisville, Kentucky 40222)

CAUSE NO: 16324_AG17-0913-169

Respondent.)

License Number: 450648)

Type of Agency Action: Enforcement)

FILED

JUL 18 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 Paidemoyo Charasika ("Respondent"). This matter came on to be heard by the ALJ on June 6, 2018 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, Erica J. Dobbs. Respondent failed to appear. 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. Respondent has been a licensed Non Resident Insurance Producer since March 1, 2004.
2. Respondent was previously disciplined by the Department under this cause number for failing to timely disclose two (2) criminal convictions as required by Indiana Code 27-1-15.6-17(b).
3. Respondent entered an Agreed Entry to resolve these violations of Indiana Code, agreeing to pay a civil penalty of Five Hundred Dollars (\$500.00) within thirty (30) days of the Commissioner’s Final Order accepting the Agreed Entry. The Final Order was entered on November 17, 2017, obligating Respondent to pay the civil penalty no later than December 17, 2017. (Department’s Exhibit 1)
4. Respondent failed to pay the civil penalty on time.
5. On December 20, 2017, the Department reminded Respondent via email of the outstanding monetary obligation. (Department’s Exhibit 2)
6. On December 21, 2017, the Department offered to allow Respondent to pay the civil penalty in two (2) installments. (Department’s Exhibit 2)
7. On February 1, 2018, when Respondent had still not satisfied his obligation, the Department offered Respondent a six (6) month payment plan and Respondent agreed to make the first payment by the end of February. (Department’s Exhibit 2)

8. As of April 23, 2018, when the Department filed its Statement of Charges, Respondent still had not made any payments toward satisfying the Five Hundred Dollars (\$500.00) a civil penalty.
9. On April 23, 2018, a hearing was set in this matter for June 6, 2018 and Respondent was notified via U.S. Mail.
10. Thereafter, on June 1, 2018, the Department emailed its discovery to Respondent in preparation for the hearing.
11. Respondent emailed the Department on Sunday, June 3, 2018 asking what the hearing was regarding, and was informed on June 4, 2018 that the Department was seeking to revoke his license due to his failure to abide by the Commissioner's Final Order of November 17, 2017.
12. Respondent emailed the Department on June 6, 2018 seeking a continuance of the hearing. The request was not received until after the hearing began.
13. A default hearing was held.
14. Conclusions of Law that can be adopted as Findings of Fact are hereby incorporated herein as such.

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, in part, that the Commissioner may permanently revoke an Insurance Producer License, due to a number of factors.

4. Specifically, Indiana Code 27-1-15.6-12(b)(2)(D) allows the Commissioner to permanently revoke an Insurance Producer License for violating an order of an insurance commissioner.
5. Respondent violated the November 17, 2017 order of the Commissioner by failing to pay the previously agreed upon civil penalty within thirty (30) days.
6. Further, the purpose of the civil penalty ordered November 17, 2017, was to resolve Respondents two (2) earlier violations of Indiana Code 27-1-15.6-17(b).
7. Respondent's failure to abide by the Commissioner's November 17, 2017 order results in the two (2) violations of Indiana Code 27-1-15.6-17(B) remaining unresolved.
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. The Department is requesting that the Commissioner permanently revoke Respondent's Resident Producer License.
9. The Department has met its burden of showing Respondent violated Indiana Code 27-1-15.6-12(b)(2)(D) and that Respondent's Resident Producer License should be revoked.
10. Indiana Code 4-21.5-3-24 states, in part, that if a party fails to attend or participate in a hearing, the administrative law judge may serve upon all parties written notice of a Proposed Default Order, including a statement of the grounds. Within seven (7) days after service of a Proposed Default Order, Respondent may file a written motion requesting the Proposed Default Order not be imposed and stating the grounds relied upon.
11. Findings of Fact that can be adopted as Conclusion of Law are hereby incorporated herein as such.

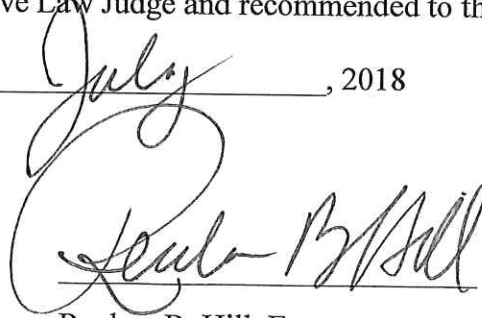
RECOMMENDED ORDER

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 Respondent's Non Resident Producer License #450648 be permanently **REVOKED**, effective 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 18th day of July, 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:

Paidemoyo Charasika
8211 Nottingham Parkway
Louisville, Kentucky 40222

Erica J. Dobbs, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, Indiana 46204

STATE OF INDIANA)

) SS:

COUNTY OF MARION)

BEFORE THE INDIANA

COMMISSIONER OF INSURANCE

CAUSE NO.: 16324-AG17-0913-169

IN THE MATTER OF:

Paidemoyo Charasika
8211 Nottingham Pkwy
Louisville, KY 40222

Respondent.

License Number: 450648

Type of Agency Action: Enforcement

FILED

APR 23 2018

STATE OF INDIANA
DEPT. OF INSURANCE

STATEMENT OF CHARGES

The Enforcement Division of the Indiana Department of Insurance ("Department"), by counsel, Erica J. Dobbs, pursuant to the Indiana Administrative Orders and Procedures Act, Indiana Code § 4-21.5 *et seq.* and Indiana Code § 27-1-15.6-12, files its Statement of Charges against Paidemoyo Charasika ("Respondent"), as follows:

FACTS

1. Respondent is a licensed nonresident insurance producer, holding license number 450648 since March 01, 2004.
2. On November 17, 2017, the Commissioner of the Indiana Department of Insurance ("Commissioner") issued a Final Order against Respondent for failing to timely report two (2) misdemeanor convictions to the Department, assessing an administrative fine of five hundred dollars (\$500) to be paid within thirty (30) days after the Commissioner signed the Final Order.
3. The Department has not received payment of the administrative fine.

CHARGES

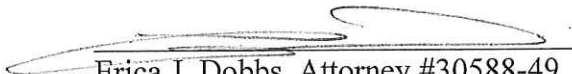
COUNT I

1. Averments 1 through 3 are incorporated fully herein by reference.
2. Respondent's conduct is a violation of Indiana Code § 27-1-15.6-12(b)(2)(D), which states, in part, that the Commissioner may permanently revoke an insurance producer's license for violating an order of an insurance commissioner.

WHEREFORE, the Enforcement Division of the Indiana Department of Insurance, by counsel, Erica J. Dobbs, respectfully requests that the Commissioner set this matter for a hearing pursuant to Indiana Code § 4-21.5 and:

1. Issue an order permanently revoking Respondent's insurance producer's license; and
2. All other relief just and proper upon the premises.

Respectfully submitted,



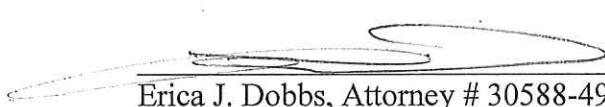
Erica J. Dobbs, Attorney #30588-49
Enforcement Division

Indiana Department of Insurance
Enforcement Division
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204-2787
Telephone: (317) 234-5887
Facsimile: (317) 232-5251

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served upon the following Respondent by
United States first class mail, postage prepaid, this 23 day of April, 2018.

Paidemoyo Charasika
8211 Nottingham Pkwy
Louisville, KY 40222


Erica J. Dobbs, Attorney # 30588-49
Attorney, Enforcement Division

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

Cause Number: 16324-AG17-0913-169

IN THE MATTER OF)

Paidemoyo B. Charasika)
8211 Nottingham Pkwy)
Louisville, KY 40222)

Respondent)

Type of Agency Action: Enforcement)

Producer's License: 450648)

FILED

NOV 17 2017

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

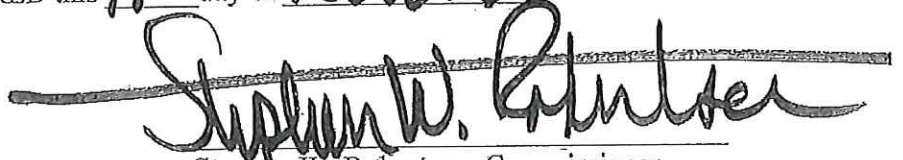
The Enforcement Division of the Indiana Department of Insurance ("Department"), by counsel, Claire Szpara, and Paidemoyo B. Charasika ("Respondent"), a licensed nonresident insurance producer, signed an Agreed Entry which purports to resolve all issues involved in the above-captioned cause number, and which has been submitted to the Commissioner of the Indiana Department of Insurance ("Commissioner") for approval.

The Commissioner, after reviewing the Agreed Entry, finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between the parties. The Commissioner hereby incorporates the Agreed Entry, attached, as if fully set forth herein, and approves and adopts in full the Agreed Entry as a resolution of this matter being Respondent's failure to timely report his April 14, 2009 Kentucky misdemeanor conviction of driving under the influence, and his November 04, 2015 Kentucky misdemeanor conviction of criminal trespass to the Department in violation of Indiana Codes §§ 27-1-15.6-17(b) and 27-1-15.6-12(b)(2)(A).

IT IS THEREFORE ORDERED by the Commissioner as follows:

1. Respondent shall immediately notify the Department should he commit any illegal acts or be arrested.
2. Respondent shall pay an administrative fine of Five Hundred Dollars (\$500) within thirty (30) days after the Commissioner signs the Final Order, for Respondent's failure to timely report his April 14, 2009 Kentucky misdemeanor conviction of driving under the influence, and his November 04, 2015 Kentucky misdemeanor conviction of criminal trespass to the Department.
3. Respondent's nonresident license shall be placed on a one (1) year probationary status on the day the Final Order is issued.
4. The Department agrees to accept this agreement as full resolution of this matter.

ALL OF WHICH IS ORDERED this 17th day of November 2017.

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

Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Calla Dain, Insurance Investigator
Indiana Department of Insurance
311 West Washington St, Suite 103
Indianapolis, Indiana 46204-2787

Paidemoyo B. Charasika
8211 Nottingham Pkwy
Louisville, KY 40222

STATE OF INDIANA)

) SS:

COUNTY OF MARION)

)

)

THE MATTER OF:)

Paidemoyo B. Charasika)

8211 Nottingham Pkwy)

Louisville, KY 40222)

Respondent.)

Type of Agency Action: Enforcement)

Producer's License: 450648)

BEFORE THE INDIANA

COMMISSIONER OF INSURANCE

Cause Number: 16324-AG17-0913-169

FILED

NOV 17 2017

STATE OF INDIANA
DEPT. OF INSURANCE

AGREED ENTRY

This Agreed Entry is executed by and between the Enforcement Division of the Indiana Department of Insurance ("Department"), by counsel, Claire Szpara, and Paidemoyo B. Charasika ("Respondent"), to resolve all issues in the above-captioned cause number. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Commissioner of the Indiana Department of Insurance ("Commissioner").

WHEREAS, Respondent is a licensed nonresident insurance producer, holding license number 450648;

WHEREAS, Respondent failed to timely report his April 14, 2009, Kentucky misdemeanor conviction of driving under the influence, and his November 04, 2015 Kentucky misdemeanor conviction of criminal trespass to the Department;

WHEREAS, Respondent's conduct is a violation of Indiana Code § 27-1-15.6-12(b)(2)(A), which states that an insurance producer shall not violate an insurance law;

WHEREAS, Respondent's conduct is a violation of Indiana Code § 27-1-15.6-17(b), an insurance law, which states not more than thirty (30) days after an initial pretrial hearing date, a

producer shall report to the Commissioner any criminal prosecution of the producer initiated in any jurisdiction;


WHEREAS, the Department and Respondent (collectively, the "Parties") desire to resolve this matter without the necessity of a hearing.

IT IS, THEREFORE, NOW AGREED by and between the Parties as follows:

1. The Commissioner has jurisdiction over the subject matter and the Parties to this Agreed Entry.
2. This Agreed Entry is executed voluntarily by the Parties.
3. Respondent voluntarily and freely waives the right to a public hearing on the issues in this matter.
4. Respondent voluntarily and freely waives the right to judicial review of this matter.
5. Respondent shall immediately notify the Department should he commit any illegal acts or be arrested.
6. Respondent's Indiana nonresident license shall be placed on a one (1) year probation from the date the Final Order is signed.
7. Respondent shall pay an administrative fine of Five Hundred Dollars (\$500) within thirty (30) days after the Commissioner signs the Final Order adopting this Agreed Entry.
8. Should additional violations manifest, further administrative actions will be taken for the new violation.
9. The Department agrees to accept Respondent's compliance with this agreement as full satisfaction of this matter.

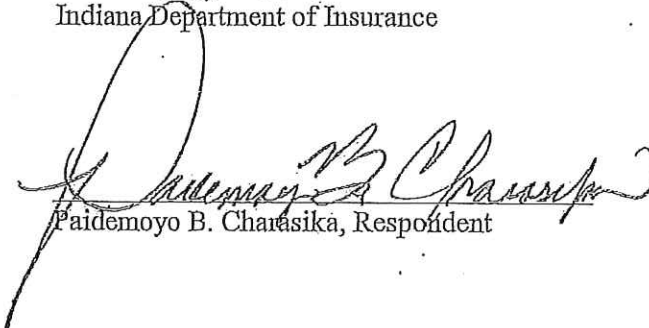
10. Respondent has carefully read and examined this agreement and fully understands its terms.
11. Respondent has entered into this agreement freely, and has not been subject to duress, threat or undue influence.
12. Should this Agreed Entry not be accepted by the Commissioner, it is agreed that presentation to and consideration of this Agreed Entry by the Commissioner shall not unfairly or illegally prejudice the Commissioner from further participation in or resolution of these proceedings.
13. Respondent is aware that failure to comply with any of the terms of this agreement will result in the matter being set for a hearing.

11.13.17
Date Signed



Claire Szpar, Attorney #34219-64
Indiana Department of Insurance

11/1/17
Date Signed



Paidemoyo B. Charasika, Respondent

STATE OF KENTUCKY)
COUNTY OF Jefferson) SS:

Before me a Notary Public for Jefferson County, State of Kentucky
personally appeared Paidemoyo B. Charasika, and being first duly sworn by me upon his oath,
says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 1st day of November, 2017.



Signature

NEISHA N. WATSON

Printed

My Commission expires: 10/25/19

County of Residence: Jefferson

RECEIVED
NOV 09 2017
STATE OF INDIANA
DEPT. OF INSURANCE