

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER:16927-AD18-0207-016

IN THE MATTER OF:)
)
INSURANCE PRODUCER LICENSE)
APPLICATION OF:)
)
Terry W. Larson)
2635 E. State Rd 114-92)
Huntington, IN 46750)
)
Applicant.)
)
Type of Agency Action: Enforcement)
)
Application ID: 628975)

FILED

AUG 24 2018

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On June 29, 2018, the Administrative Law Judge ("ALJ"), Reuben B. Hill, filed his Findings of Fact, Conclusions of Law and Recommended Order in the above-captioned matter.

1. The Department served ALJ Hill's Findings of Fact, Conclusions of Law, and Recommended Order and Notice of Filing Recommended Order on Respondent by mailing the same to Respondent.
2. The Department has complied with the notice requirements of Ind. Code § 4-21.5-3-17.
3. On July 17, 2018, Applicant filed a timely objection with the Commissioner regarding the Administrative Law Judge's Findings of Fact, Conclusions of Law and Recommended Order.
4. The ultimate authority shall issue a final order affirming, modifying, or dissolving the administrative law judge's order under Ind. Code § 4-21.5-3-29.

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's application for an Indiana resident insurance producer license is DENIED.

Under Indiana Code § 4-21.5-5-5, Applicant 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 24 day of August, 2018.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

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JUN 29 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 Terry Larson ("Applicant"). This matter came on to be heard by the ALJ on May 17, 2018 at 9:00 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. Applicant appeared in person and with counsel Donald C. Swanson, Jr. 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 Licensure on January 16, 2018 (Department's Exhibit 1).
2. Applicant previously held a Indiana Resident Insurance Producer License from March 12, 1983 to June 3, 2016.
3. In 2007, Applicant was terminated for cause from Allstate Insurance for providing false information in consumers' insurance applications (Department's Exhibit 6).
4. Applicant entered into an Agreed Entry with the Department on November 20, 2007 wherein he agreed to pay a Two Hundred Fifty Dollar (\$250.00) civil penalty and was allowed to maintain licensure (Department's Exhibit 5).
5. Thereafter, in 2014, Applicant was terminated for cause from MetLife Insurance for again providing false information in consumers' and his own home and auto insurance applications (Department's Exhibit 4).
6. The Commissioner entered an Administrative Order and Notice of Nonrenewal of License against Applicant and a hearing was held. The Commissioner entered his Final Order affirming the Nonrenewal of License on June 3, 2016 under Cause No. 13237-AG15-0205-021 (Department's Exhibits 2 and 3).
7. Judicial Notice was taken of the proceedings in Cause No. 13237-AG15-0205-021.
8. Applicant admitted to all allegations made against him at the 2016 hearing on the Nonrenewal Order.
9. Applicant still does not dispute the allegations.

10. Applicant did not call any witnesses or present exhibits at the hearing.
11. 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 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)(8) allows the Commissioner to deny an Insurance Producer's 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. Applicant violated Indiana Code 27-1-15.6-12(b)(8) in 2007 by providing false information in consumers' applications for insurance. He paid a civil penalty to resolve this violation of Indiana Code and was granted the opportunity to keep his license.
6. Then in 2014, Applicant again violated Indiana Code 27-1-15.6-12(b)(8) in the exact same manner. Applicant admitted to the violations and his license was not renewed.
7. Applicant has demonstrated an ongoing pattern of violating Indiana Insurance laws when entrusted with a Producer's license.
8. Applicant argues that he should be granted a Probationary License with terms and that "the community would be adequately protected by such terms and conditions". However, he does

not propose any particular terms or conditions, or show how said terms would prevent his pattern of unlawful behavior from recurring.

9. 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
10. Pursuant to Indiana Code 27-1-15.6-12(d), a hearing was held to determine the reasonableness of the Commissioner's decision. Applicant failed to meet his burden of proving the Commissioner's decision was unreasonable.
11. Findings of Fact that can be adopted as Conclusions of Law are hereby incorporated herein as such.

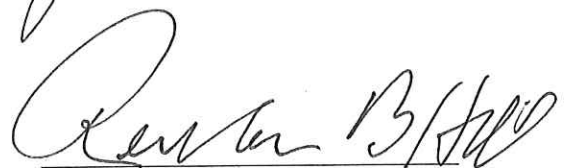
RECOMMENDED ORDER

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. The **DENIAL** of Applicant's application for Resident Producer Licensure should be affirmed.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the **Commissioner of Insurance** this 29th day of June, 2018



Reuben B. Hill, Esq.
Administrative Law Judge

Distribution:

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c/o Donald C. Swanson Jr., Counsel for Applicant
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STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

Cause No.: 16927-AD18-0207-016

IN THE MATTER OF:

INSURANCE PRODUCER LICENSE
APPLICATION OF:

Terry W. Larson
2635 E State Rd 114-92
Huntington, IN 46750

FILED

MAR 12 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 Terry W. Larson ("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 17, 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)(8) provides, in part, 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 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)(8) due to his submission of applications for insurance containing falsified information to an insurer.

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)(8), due to his submission of applications for insurance containing falsified information to an insurer. Applicant may reapply for licensure not less than one (1) year from the date of this order.

3-12-2018

Date Signed


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution to:

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