

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 17193-AG18-0509-077

IN THE MATTER OF:)
)
Jason Allen Baldwin)
3067 W. Tam O Shanter Drive)
Crawfordsville, IN 47933)
)
Applicant.)
)
Type of Agency Action: Enforcement)
)
Application ID: 646058)

FILED

SEP. 10 2018

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On July 13, 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. The Denial of Applicant's application for resident producer licensure is affirmed.

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:

Jason Allen Baldwin
3067 W. Tam O Shanter Drive
Crawfordsville, IN 47933

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

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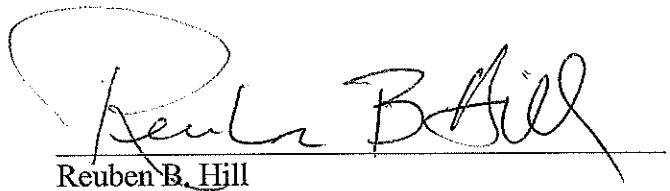
JUL 13 2018

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: 12 July 2018 
: Reuben B. Hill
Administrative Law Judge

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**STATE OF INDIANA
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**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 Jason Baldwin (“Applicant”). This matter came on to be heard by the ALJ on June 6, 2018 at 10:00 a.m. at the Indiana Department of Insurance at 311 West Washington Street, Indianapolis, Indiana.

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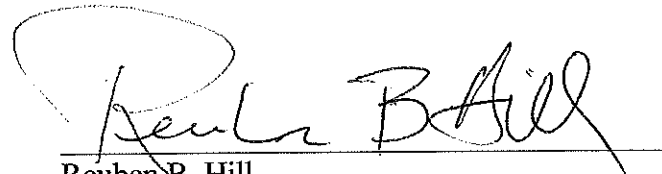
STATE OF INDIANA
DEPT. OF INSURANCE

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: 12 July 2018


Reuben B. Hill
Administrative Law Judge

STATE OF INDIANA)
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BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

IN THE MATTER OF:)

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) CAUSE NO.: 17193-AG18-0509-077

) Applicant.)

) Type of Agency Action: Enforcement)

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**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 Jason Baldwin (“Applicant”). This matter came on to be heard by the ALJ on June 6, 2018 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, 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 to reactivate his Resident Producer License on April 11, 2018. (Department’s Exhibit 1)
2. Applicant previously held an Indiana Resident Insurance Producer License from October 4, 2002 to June 30, 2015.
3. Applicant testified his license lapsed in 2015 due to his failure to complete required Continuing Education.
4. Applicant was convicted of two (2) counts of Battery, a Class B Misdemeanor, on March 6, 2017 in Montgomery County, Indiana, with one (1) count regarding Applicant’s wife and the other regarding his teenage stepdaughter.
5. These convictions were pursuant to a plea agreement, which dismissed counts of Criminal Confinement, a Level 6 Felony, and Domestic Battery, a Class A Misdemeanor. (Department’s Exhibit 4)
6. Applicant testified that the criminal charges stemmed from an argument he had with his wife regarding her talking to her ex-husband. Applicant further testified that during the fight his wife chose to spend the night on the couch, saying “leave me alone, get away from me”. Rather than leaving her alone, however, Applicant laid down on the couch with his wife and put his arm over her.

7. Applicant's wife told police on the night of the incident that Applicant had held her on the couch against her will, holding down both of her arms and not allowing her to move freely. (Department's Exhibit 3)
8. Applicant's stepson and stepdaughter told police on the night of the incident that Applicant had pushed his stepdaughter. (Department's Exhibit 3)
9. Pursuant to the plea agreement, Applicant was sentenced to a year of probation and required to undergo couple's counseling with his wife. (Department's Exhibit 5)
10. Applicant was released from probation on September 14, 2017. (Department's Exhibit 2)
11. Applicant presented two (2) exhibits at the hearing and one (1) exhibit after the hearing. Applicant's Exhibits A and B are character letters from former coworkers. Applicant's unmarked third exhibit is a letter from his wife wherein she states that the charges came from an "argument that got out of hand".
12. 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 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's 2017 criminal convictions demonstrate coercive conduct in violation of Indiana Code 27-1-15.6-12(b)(8). Facts in aggravation include the nature of the offense and recent conviction.
6. Indiana Code 4-21.5-3-14 (c) states that the person requesting a 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. Applicant failed to meet his burden of proving the Commissioner's decision was unreasonable.
8. Findings of Fact that can be adopted as Conclusions of Law are hereby incorporated herein as such.

RECOMMENDED ORDER

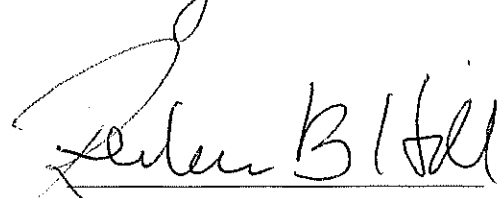
IT IS THEREFORE RECOMMENDED:

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

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

Commissioner of Insurance this 12th day of July, 2018



Reuben B. Hill, Esq.
Administrative Law Judge

Distribution:

Jason Allen Baldwin
3067 W. Tam O Shanter Drive
Crawfordsville, Indiana 47933

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

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MAY 15 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 Jason Allen Baldwin (“Applicant”) of the following Administrative Order:

1. Applicant filed an application for resident producer’s licensure with the Commissioner of the Indiana Department of Insurance (“Commissioner”) on April 11, 2018.
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)(8) states, in part, that the Commissioner may refuse to issue 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.

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 convictions for two (2) counts of Battery, a Class B Misdemeanor.
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 the Applicant's request for licensure is hereby DENIED pursuant to Indiana Codes § 27-1-15.6-12(b)(8) due to Applicant's two (2) convictions for Battery, a Class B Misdemeanor.

May 15, 2018
Date Signed


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Jason Allen Baldwin
3067 W. Tam O Shanter Dr
Crawfordsville, IN 47933

Erica J. Dobbs, Attorney
ATTN: Phil Holleman, Sr. Insurance Investigator
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204