

STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF MARION    )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

Cause No.: 17153-AG18-0530-089

IN THE MATTER OF:                     )  
  )  
INSURANCE PRODUCER LICENSE         )  
APPLICATION OF:                        )  
  )

Jack F. Trudeau  
P.O. Box 375  
Zionsville, IN 46077

Applicant.                                )

**FILED**

DEC 21 2018

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

On November 14, 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 counsel 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 Applicant is issued a Resident Producer License under the following terms:
  - a. A probationary period of two (2) years.
  - b. Applicant is to continue drug and alcohol counseling during the probationary period and show in writing, on a bi-annual basis, proof of compliance.
  - c. Applicant will make a timely application for expungement of his convictions and show proof of said expungement.

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 21 day of December, 2018.

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Copies to:

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Claire Szpara, Attorney  
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Indianapolis, IN 46204

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BEFORE THE INDIANA  
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CAUSE NUMBER: 17153-AG18-0530-089

IN THE MATTER OF: )

INSURANCE PRODUCER LICENSE )  
APPLICATION OF: )

Jack F. Trudeau )  
P.O. Box 375 )  
Zionsville, Indiana 46077 )

Applicant. )

Type of Agency Action: Enforcement )

Application ID: 651933 )

**FILED**

NOV 14 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: 11/14/18

  
\_\_\_\_\_  
Reuben B. Hill  
Administrative Law Judge

STATE OF INDIANA       )  
                                  ) SS:  
COUNTY OF MARION     )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

IN THE MATTER OF:       )  
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INSURANCE PRODUCER LICENSE   )  
APPLICATION OF:            )  
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Jack F. Trudeau            )  
P.O. Box 375                )  
Zionsville, Indiana 46077   )

Applicant.                )

Type of Agency Action: Enforcement   )  
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License Number: 651933        )

**FILED**

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STATE OF INDIANA  
DEPT. OF INSURANCE

CAUSE NO.: 17153-AG18-0530-089

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**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND RECOMMENDED ORDER**

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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 Jack F. Trudeau ("Applicant"). This matter came on to be heard by the ALJ on September 12, 2018 at 1:30 p.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 in person and was represented by counsel, Michael Allen. Testimony 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 this Recommended Order.

### **FINDINGS OF FACT**

1. Applicant applied for a Resident Producer License on May 15, 2018.
2. Applicant disclosed an Intimidation, a Class A Misdemeanor conviction from May 16, 2016.
3. Zionsville Police Department Incident Report details the events leading up to Applicant's arrest for his 2016 Intimidation conviction. (Department's Exhibit 3)
4. On July 26, 2015, Zionsville Police Department was dispatched on a suspected intoxicated driver. (Department's Exhibit 3, page 2)
5. The Applicant was pulled over and the officer attempted to administer to him a field sobriety test. (Department's Exhibit 3). After refusing to submit to a chemical test, Applicant was placed under arrest and put in handcuffs. After making his observations of Applicant at this time, the officer concluded that Applicant was extremely intoxicated and disoriented. (Department's Exhibit 3, page 3)
6. Applicant was transported by Officer Haston to Anson ER for a blood draw. During transport, Applicant was verbally abusive, and threatened the transporting officer's life on multiple occasions. While the Applicant does not specifically recall all of his comments during the arrest, he does not dispute the Officer's report and testimony, and offers only by way of explanation, that he does have a problem being claustrophobic. The handcuffs along with the alcohol could have triggered his actions and explain some of his threats on this occasion. It should be noted that the Applicant did not physically assault the officer nor did he resist arrest. The Applicant's misconduct in this regard was limited

to his verbal abuse. It was none the less prohibited by good judgment and the law.

(Department's Exhibit 3, page 6)

7. The Applicant has experienced an extensive career in football as a quarterback in high school college and the NFL. He and his counsel emphasized that offering this evidence was not to seek any special treatment of any nature but to demonstrate the level of discipline the Applicant had adhered to for many years prior to his arrest. The Applicant has been substantially involved in community services prior and subsequent to his arrest including continuous participation in the Indiana Children's Wish Fund as well assisting and coaching high school football teams such as Pike High School.
8. Officer Haston reported as he approached Anson ER, Applicant became even more aggressive, beginning to kick and move around violently. Applicant continued being verbally abusive to Officer Haston while being transported to Boone County Jail.  
(Department's Exhibit 3 page 6)
9. When questioned about the officers' statements, Applicant testified that he does not dispute the officers' statements, but he has no recollection of becoming verbally abusive or threatening Officer Haston's life.
10. Applicant pleaded Guilty to Intimidation, a Class A Misdemeanor, on May 16, 2016.
11. On May 16, 2016, Applicant was placed on supervised probation for Three Hundred Sixty-Five (365) days as a condition of his Plea Agreement. (Applicant's Exhibit D)
12. On November 8, 2017, Applicant filed a Motion for an Early Termination of Probation. (Applicant's Exhibit G) His probation was terminated early on December 4, 2017.
13. After his arrest, Applicant testified that he started treatment at Fairbanks in September 2015. He initially went to outpatient treatment four (4) days a week for three (3) months.

Applicant further testified that he continues going to a sober management counseling program on Wednesdays.

14. Applicant testified that he has been sober since the day after his arrest, July 27, 2015.
15. Applicant testified that part of his probation was to engage in charity work. Applicant noted his activity with Indiana Children's Wish during the hearing. Applicant presented himself very well during his testimony. He stated that he is still active in his voluntary community service work and intends to continue in that service and to live up to his commitment not to consume alcohol or drugs.
16. Applicant is retired as a professional football athlete. Applicant stated that while his retirement is welcomed, it is not entirely sufficient to allow him to meet his responsibilities to his children's education. Applicant believes this new opportunity in the insurance industry that has been presented to him is invaluable to both him and the welfare of his family.
17. Lisa Amick appeared in person to testify as a character witness for Applicant. She testified she has known Applicant for six (6) months and has a huge amount of respect for him.

#### **CONCLUSIONS OF LAW**

1. The Commissioner 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 2016 Intimidation conviction is evidence of violating Indiana Code 27-1-15.6-12(b)(8). Facts in aggravation include the recency of Applicant's conviction and release from probation. Facts in mitigation include Applicant's prompt engagement of rehabilitative counseling and service for himself and the treatment of others, which he continues to this day, and the fact that he has not consumed alcohol since the day of his arrest and has done everything in his capacity to make amends to society.
6. While this particular offense of intimidation of a police officer involved the consumption of alcohol while driving, it should be noted, that the charge of driving while intoxicated as a misdemeanor standing alone is not a charge that needs to be reported to the Commissioner, on his application. It serves only to aggravate the offense of intimidation.
7. 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 a Resident Producer License to him and therefore bears the burden.
8. Pursuant to Indiana Code 27-1-15.6-12(d), the hearing was held to determine the reasonableness of the Commissioner's decision. Applicant has not proven the
9. Commissioner's decision to refuse to issue his Resident Producer License was unreasonable.
10. 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 the Applicant be issued a Resident Producer License under the following terms and conditions.
  - a. For a probationary period of two (2) years.
  - b. Applicant will continue with drug and alcohol counseling during the probationary period and show in writing, on a bi-annual basis, proof of his compliance to the Commissioner.
  - c. Applicant will make a timely application for the expungement of his convictions and show proof of said expungement to the Commissioner.
  - d. Pay Fines as may be ordered by the Commissioner.

**ALL OF WHICH IS ADOPTED** by the Administrative Law Judge and recommended to the Commissioner of Insurance this 14<sup>th</sup> day of Nov, 2018

A handwritten signature in dark ink, appearing to read 'Reuben B. Hill', is written over a horizontal line.

Reuben B. Hill, Esq.  
Administrative Law Judge

Distribution:

Michael Allen, on behalf of Jack Trudeau  
Allen Legal Group  
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Claire Szpara, Attorney  
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Indianapolis, Indiana 46204

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Applicant.                                )

Type of Agency Action: Enforcement    )

Application ID: 651933                    )

**FILED**

JUN 01 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 Jack F. Trudeau ("Applicant") of the following Administrative Order:

1. Applicant filed an application for resident producer licensure with the Commissioner of the Indiana Department of Insurance ("Commissioner") on May 15, 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 or renew 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 based on his May 16, 2016 conviction for Intimidation, a Class A Misdemeanor.
5. 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 based on his May 16, 2016 conviction for Operating a Vehicle While Intoxicated Endangering a Person, a Class A Misdemeanor.
6. 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) for having been convicted of Intimidation, a Class A Misdemeanor and having been convicted of Operating a Vehicle While Intoxicated Endangering a Person, a Class A Misdemeanor.

June 1, 2018

Date Signed

Stephen W. Robertson

Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution to:

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