

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 17217-AD18-0523-048

IN THE MATTER OF: )  
 )  
Erin M. Lutz )  
7115 Rossdale Pl Apt 366 )  
Indianapolis, IN 46241 )  
 )  
Applicant. )  
 )  
License Application #: 651239 )  
 )  
Type of Agency Action: Enforcement )

**FILED**

NOV 02 2018

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

On September 6, 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 her 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's application for Indiana resident producer license is Granted for a probationary basis of two (2) ears.

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 2 day of November, 2018.

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Copies to:

Erin Lutz  
7115 Rossdale Pl Apt 366  
Indianapolis, IN 46241

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: 17217-AD18-0523-048

IN THE MATTER OF:

Erin M. Lutz  
7115 Rosedale Pl Apt. 366  
Indianapolis, IN 46241

Applicant.

License Application #: 651239

Type of Agency Action: Enforcement

**FILED**

SEP 06 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: \_\_\_\_\_

9-6-18



Reuben B. Hill  
Administrative Law Judge

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 her application for Resident Producer License on May 10, 2018.  
(Department's Exhibit 1)
2. Applicant answered "No" to the application question that asks "Have you ever been convicted of a misdemeanor?"
3. Applicant was convicted of Battery Resulting in Bodily Injury, a Class A Misdemeanor, on April 16, 2001, and Domestic Battery, a Class aa Misdemeanor, on October 2, 2003, both in Hendricks County Indiana. (Department's Exhibits 2 and 3)
4. Applicant testified that she has no other criminal history.
5. Applicant testified that her supervisor at Transamerica filled out the application for her.
6. Applicant testified that she was nineteen (19) years old at the time of the first offense and twenty- two (22) years old at the time of the second offense. Applicant is now thirty- seven (37) years of age.
7. Applicant testified that she left the relationship that resulted in these convictions in 2003 and has not had any contact with the other party since that time.
8. Applicant submitted five (5) exhibits at the hearing. Applicant's Exhibits A and B are copies of her daughters' high school diplomas. Applicant's Exhibit C is Applicant's General Education Development (GED) diploma. Applicant's Exhibit D is a copy of her active Certified Nurse Aide License. Applicant's Exhibit E is a letter of recommendation from a nursing co-worker.

9. 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. Indiana Code 27-1-15.6-12(b)(1) allows the Commissioner to deny an Insurance Producer License for providing incorrect, misleading, incomplete or materially untrue information in a license application.
5. 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.
6. Applicant failed to disclose on her application that she was convicted of Misdemeanor Battery in 2001 and Misdemeanor Domestic Batter in 2003. Facts in mitigation include Applicant's lack of other criminal history, Applicant's youth at the time the offenses occurred, and the age of the convictions.
7. Indiana Code 4-21.5-3-14© 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 her a Resident Producer License and, therefore, bears the burden.



8. 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.
9. 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 1<sup>st</sup> day of September, 2018

A handwritten signature in black ink, appearing to read "Reuben B. Hill".

Reuben B. Hill, Esq.  
Administrative Law Judge

Distribution:

Erin Lutz  
7115 Rosssdale Pl Apt. 366  
Indianapolis, IN 46241

Erica J. 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 NO.: 17217-AD18-0523-048

IN THE MATTER OF:

Erin M. Lutz  
7115 Rossdale Pl Apt 366  
Indianapolis, IN 46241

Applicant.

License Application #: 651239

Type of Agency Action: Enforcement

**FILED**

JUN 08 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 Erin M. Lutz ("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 May 10, 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. Indiana Code § 37-1-15.6-12(b)(1) provides, in part, that the Commissioner may refuse to issue an insurance producer's license for providing incorrect, misleading, incomplete, or materially untrue information in a license application.
5. Following a review of materials submitted by Applicant in support of her application and public records, the Commissioner being fully advised, now hereby notifies Applicant that she has not fully met the requirements of licensure as stated by Indiana Code § 27-1-15.6-12(b)(8) due to her convictions for Battery Resulting in Bodily Injury in 2001 and Domestic Battery in 2003, both Class A Misdemeanors out of Indiana.
6. Following a review of materials submitted by Applicant in support of her application, the Commissioner being fully advised, now hereby notifies Applicant that she has not fully met the requirements of licensure as stated by Indiana Code § 27-1-15.6-12(b)(1) due to her failure to disclose the above convictions on her application for licensure.
7. 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 Codes § 27-1-15.6-12(b)(8) and § 27-1-15.6-12(b)(1), due to her misdemeanor convictions and her failure to disclose them on an application. Applicant may reapply for licensure not less than one (1) year from the date of this order.

**6-8-2018**  
Date Signed

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution to:

Erin M. Lutz  
7115 Rossdale Pl Apt 366  
Indianapolis, IN 46241

Erica J. Dobbs, Attorney  
ATTN: Calla Dain, Sr. Investigator  
Indiana Department of Insurance  
311 W. Washington St., Suite 103  
Indianapolis, IN 46204  
317 234-8687, fax 317 234-2103