

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 17288-AD18-0618-053

IN THE MATTER OF:)

Brittany M Renner)
1340 Tall Timbers Drive)
Evansville, IN 47725)

Applicant.)

Type of Agency Action: Enforcement)

Application ID: 653532)

FILED

NOV 02 2018

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On September 6, 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 Applicant by mailing the same to Applicant.
2. The Department has complied with the notice requirements of Ind. Code § 4-21.5-3-17.
3. On September 20, 2018, Applicant filed a timely objection ("Objection") regarding the ALJ's Findings of Fact, Conclusions of Law, and Recommended Order.
4. The ultimate authority shall issue a final order affirming, modifying, or dissolving the ALJ's order under Ind. Code § 4-21.5-3-29.

Therefore, after having reviewed the evidence and testimony submitted at the hearing, the ALJ's Recommended Order, the Applicant's Objection, and otherwise being fully advised, the ALJ's Findings of Fact, Conclusions of Law, and Recommended Order are hereby modified and the following Findings of Fact, Conclusions of Law, and Final Order are issued:

FINDINGS OF FACT

1. The ALJ's Findings of Fact paragraphs one (1) through eight (8) and ten (10) through twelve (12) are hereby adopted.
2. The "Findings of Fact" section of the Recommended Order in paragraph nine (9) states, "Applicant testified she had stolen cleaning supplies from a Dollar Store." This is an incomplete statement of Applicant's testimony. Applicant testified that "someone had offered to pay" her to clean their apartment, and she "stole some cleaning supplies so she could get [the] job." (Hearing Transcript p. 28-29)
3. Applicant, in her objection, raises six (6) previous Final Orders of the Commissioner as precedent for her argument that she should be granted a license:
 - a. Cause Number: 14581-AD15-0928-038 – Applicant with three (3) misdemeanor convictions from 1995 and 1997 and a felony conviction from 2007 was granted a probationary license.
 - b. Cause Number: 15969-AD17-0125-016 – Nonresident Applicant licensed in his home state and other states had three (3) misdemeanor convictions from ten (10) years prior to his application date, and a felony conviction from nine (9) years prior, all from when he was seventeen (17) to twenty (20) years old.
 - c. Cause Number: 17208-AG18-0418-067 – Applicant with a ten (10) year old misdemeanor conviction was granted a two (2) year probationary license pursuant to an Agreed Entry.
 - d. Cause Number: 16732-AD17-1207-129 – Applicant with a sixteen (16) year old misdemeanor conviction was granted a two (2) year probationary license.

7. Applicant further argues in her Objection that Indiana Code § 27-1-15.6-12(b)(8) only applies to actions “in the conduct of business” and therefore does not apply to her.
8. The “conduct of business” language in Indiana Code § 27-1-15.6-12(b)(8) applies only to that portion of the statute referring to “demonstrating incompetence, untrustworthiness, or financial irresponsibility.”
9. Even so, Applicant testified that her 2016 Theft conviction was due to action she took in the conduct of business, namely, the theft of cleaning supplies for the purpose of completing work she was to be hired to perform. This demonstrates untrustworthiness in the conduct of business.
10. Indiana Code § 4-21.5-3-27(c) states, in part, that Conclusions of Law must consider prior final orders (other than negotiated orders) of the ultimate authority under the same or similar circumstances if those prior final orders are raised on the record in writing by a party and must state the reasons for deviating from those prior orders. In other words, to serve as precedent, past Department actions must be appropriately raised, have resulted in Final Orders as opposed to preliminary orders, and not have been resolved by Agreed Entry.
11. Applicant raised past Department actions by presenting them in writing and in the record.
12. However, three (3) of the past Department actions on which Applicant relies were resolved by Agreed Entry and, thus, need not be considered.
13. The three (3) remaining Final Orders on which Applicant relies were not decided under the same or similar circumstances as Applicant’s. They are each distinguishable from Applicant’s case due to the length of time between each of those applicants’ conviction dates and their dates of application, the nature of their convictions, and with regards to

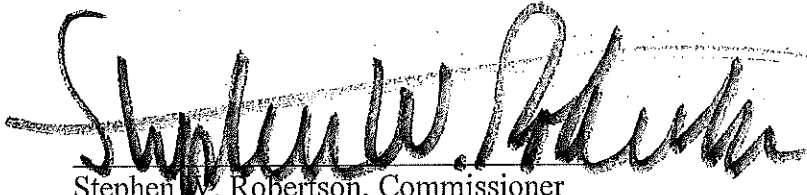
Cause 15969, the applicant's youth at the time of his offenses and the fact that he held licensure in good standing in his home state and others at the time he made application in Indiana.

FINAL ORDER

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. That the DENIAL of Applicant's application for a Resident Producer License shall be AFFIRMED.

ALL OF WHICH IS ORDERED by the Commissioner this 2 day of November, 2018.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Brittany M. Renner
1340 Tall Timbers Drive
Evansville, IN 47725

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

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STATE OF INDIANA
DEPT. OF INSURANCE

NOTICE OF HEARING

Notice is hereby given, pursuant to Indiana Code § 4-21.5-3 *et seq.*, that an evidentiary hearing will be held on July 25, 2018, at 12:00 A.M. (P.M.) Eastern Time, at 311 West Washington Street, Suite 103, Indianapolis, Indiana, to determine whether to grant the Applicant's request for a resident producer's license.

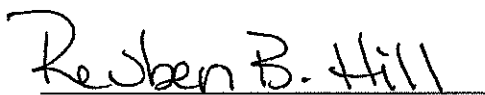
The hearing will be conducted in accordance with the provisions of the Administrative Orders and Procedures Act, codified at Indiana Code § 4-21.5-3 *et seq.* The Commissioner's authority to deny an insurance producer's license application is contained in Indiana Code § 27-1-15.6-12(b).

The issues to be resolved at the hearing are those described in the Preliminary Administrative Order and Notice of License Denial filed on June 22, 2018.

The Indiana Department of Insurance asserts that Applicant has not fully met the requirements of licensure under Indiana Code § 27-1-15.6-12, due to having a November 30, 2015

conviction for Conversion, a Class A Misdemeanor, and a February 26, 2016 conviction for Theft, a Class A Misdemeanor, in violation of Indiana Code § 27-1-15.6-12(b)(8).

In accordance with Indiana Code § 27-1-15.6-34, the Administrative Law Judge in this matter is:



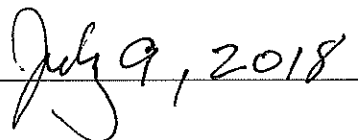
Indiana Department of Insurance
311 West Washington Street - Suite 103
Indianapolis, Indiana 46204-2787
Telephone: 317-234-3520

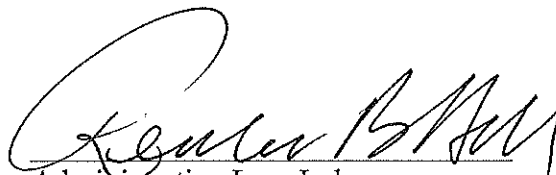
The Department of Insurance will be represented by its counsel, Erica Dobbs, who can be reached at:

Indiana Department of Insurance
311 West Washington Street - Suite 103
Indianapolis, Indiana 46204-2787
Telephone: 317-234-5887

A party who fails to attend or participate in a pre-hearing conference, hearing or other later stage of the proceeding, may be held in default or have a proceeding dismissed under Indiana Code § 4-21.5-3-24.

Dated:





Administrative Law Judge
Indiana Department of Insurance

This Notice has been sent to:

Brittany M Renner
1340 Tall Timbers Drive
Evansville, IN 47725

Taylor Peycha, Insurance Investigator
Indiana Department of Insurance
311 West Washington St., Suite 103
Indianapolis, IN 46204-2787

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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 Brittany M Renner ("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 29, 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 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 their 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)(8) due to her convictions for Conversion, a Class A Misdemeanor, from November 30, 2015, and Theft, a Class A Misdemeanor, from February 26, 2016.
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) for having two (2) Class A Misdemeanor convictions for Conversion and Theft.

June 22, 2018
Date Signed

Stephen W. Robertson
Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution to:

Brittany M Renner
1340 Tall Timbers Drive
Evansville, IN 47725

Taylor Peycha, Insurance Investigator
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204
317-233-9432, fax 317 234-2103