

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 17316-AD18-0615-051

IN THE MATTER OF:)
)
Isaaca M. Sanders)
2018 S. Harrison St., Apt 202)
Fort Wayne, IN 46082)
)
Applicant.)
)
Type of Agency Action: Enforcement)
)
Application ID: 653532)

FILED

NOV 02 2018

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On September 5, 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.

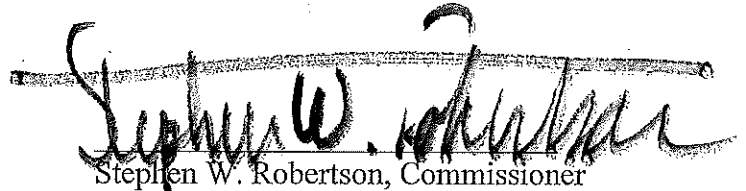
Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order and issues the following Final Order:

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 2 day of November, 2018.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Isaaca M. Sanders
2018 S. Harrison St., Apt 202
Fort Wayne, IN 46082

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: 17316-AD18-0615-051

IN THE MATTER OF:)

Isaaca M. Sanders)
2018 S. Harrison St., Apt. 202)
Fort Wayne, IN 46082)

Applicant.)

Type of Agency Action: Enforcement)

Application ID: 654386)

FILED

SEP 05 2018

STATE OF INDIANA
DEPT. OF INSURANCE

NOTICE OF FILING OF RECOMMENDED ORDER

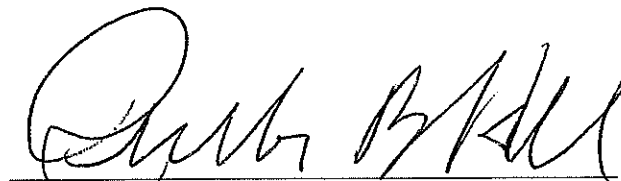
The parties of this action are hereby notified that the Administrative Law Judge's
Recommended Order is deemed filed as of this date.

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: _____

9-5-18

:



Reuben B. Hill
Administrative Law Judge

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

IN THE MATTER OF:)

Isaaca M. Sanders)
2018 S. Harrison St., Apt.202)
Fort Wayne, IN 46082)

Applicant.)

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CAUSE NO.: 17316-AD18-0615-051

FILED

SEP 05 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 Isaaca Sanders ("Applicant"). This matter came on to be heard by the ALJ on August 1, 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 via telephone and without counsel. 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 the Recommended Order.

FINDINGS OF FACT

1. Applicant applied for Resident Producer License on May 31, 2018.
2. On her application, Applicant disclosed a criminal conviction for Domestic Battery, a Class A Misdemeanor, from July 28, 2015.
3. According to the Police Report from the incident the victim was Applicant's ex-boyfriend. He had spent the night in Applicant's car. In the morning upon learning she was pregnant, engaged in a verbal altercation with her. During the altercation, Applicant punched and scratched the victim. Police were able to photograph the victim's injuries. (Department's Exhibit 1)
4. Applicant testified that the police report is inaccurate, and that she was defending herself from the victim. She further testified that the victim had a history of violence against her, and that is why they were no longer together.
5. Applicant pleaded guilty at her initial hearing on the same day charges were filed. (Department's Exhibit 2)
6. Applicant successfully completed probation, including mandatory classes at the Center For Non Violence. (Department's Exhibit 2)
7. Applicant testified that she and the victim are not currently in a relationship, but they do still have contact with each other.
8. Applicant did not submit any exhibits or call any witnesses at the hearing.
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 Insurance 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. The facts underlying Applicant's Domestic Battery conviction demonstrates coercive behavior in violation of Indiana Code 27-1-15.6-12(b)(8).
6. It is reasonable for the Commissioner to take an Applicant's criminal history and particularly recent criminal history into consideration when determining whether to grant a Insurance Producer License.
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 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. Applicant failed to meet her burden of proving the Commissioner's decision was unreasonable.
9. Findings of Fact that can be adopted as a Conclusion of Law are hereby incorporated herein as such.

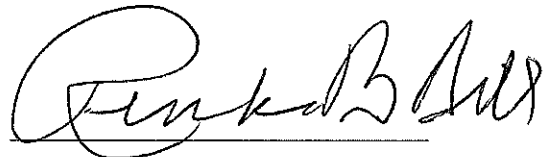
RECOMMENDED ORDER

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 **DENIAL** of Applicant's application for a Resident Producer License be Affirmed.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the **Commissioner of Insurance** this 5 day of Sept, 2018



Reuben B. Hill, Esq.
Administrative Law Judge

Distribution:

Isaaca M. Sanders
2018 S. Harrison St., Apt. 202
Fort Wayne, IN 46082

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.: 17316-AD18-0615-051

IN THE MATTER OF:)

Isaaca M. Sanders)
2018 S. Harrison St., Apt 202)
Fort Wayne, IN 46802)

Applicant.)

Type of Agency Action: Enforcement)

Application ID: 654386)

FILED

JUN 22 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 Isaaca M. Sanders (“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 June 1, 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) authorizes the Commissioner to refuse to issue a 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 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)(8), due to her conviction for Domestic Battery, a class A misdemeanor, on July 28, 2015.
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 Code § 27-1-15.6-12(b)(8) a Criminal misdemeanor conviction for Domestic Battery.

June 22, 2018

Date Signed

Stephen W. Robertson

Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Isaaca M. Sanders
2018 S. Harrison St, Apt 202
Fort Wayne, IN 46802

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

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

Cause No.: 17316-AD-18-0615-051

IN THE MATTER OF:)

Isaaca M. Sanders)
2018 S. Harrison St, Apt 202)
Fort Wayne, IN 46802)

Applicant.)

Type of Agency Action: Enforcement)

Application ID: 654386)

FILED

JUL 09 2018

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 telephonically on July 25, 2018, at 11:00 ~~A.M.~~ P.M. Eastern Time, at 311 West Washington Street, Suite 103, Indianapolis, Indiana, to determine whether to grant 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 a resident producer's license application is contained in Indiana Code Section 27-1-15.6-12.

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(b)(8) due to using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial

irresponsibility in the conduct of business in Indiana or elsewhere. In accordance with Indiana Code § 4-21.5-3-9(a)(3)(A), the Administrative Law Judge in this matter is:

Reuben B. Hill

Indiana Department of Insurance
311 West Washington Street - Suite 103
Indianapolis, Indiana 46204-2787
Telephone: 317/232-3520

The Department of Insurance will be represented by its counsel, Erica J. 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: July 9, 2018

Reuben B. Hill

Administrative Law Judge
Indiana Department of Insurance

This Notice has been sent to:

Isaaca M. Sanders
2018 S. Harrison St, Apt 202
Fort Wayne, IN 46802

Erica J. Dobbs, Attorney
ATTN: Phil Holleman, Insurance Investigator
Indiana Department of Insurance
311 West Washington St., Suite 103
Indianapolis, IN 46204-2787