

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 17776-AD18-1114-098

IN THE MATTER OF:)
)
Elaine Garcia)
18 Maxwell St. #2)
Hebron, IN 46341)
)
 Applicant.)
)
Type of Agency Action: Enforcement)
)
)
Application ID: 679708)

FILED

DEC 07 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 Elaine Garcia (“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 October 12, 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)(1) provides, in part, that the Commissioner may refuse to issue an insurance producer license for providing incorrect, misleading, incomplete, or materially untrue information in a license application..
4. Following a review of materials submitted by Applicant in support of her application and a review of 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)(1) due to failing to disclose two pending criminal cases on her application for licensure:

- a. On October 17, 2017, Applicant was charged with Resisting Law Enforcement, a Level 6 Felony, and Possession of a Controlled Substance, a Class A Misdemeanor. These charges were pending at the time Applicant filed her application for licensure and have since been resolved via guilty plea.
- b. On May 13, 2018 Applicant was charged with Resisting Law Enforcement, a Class A Misdemeanor, Operating a Vehicle While Intoxicated Endangering a Person, a Class A Misdemeanor, and Operating a Vehicle While Intoxicated, a Class C Misdemeanor. These charges were pending at the time Applicant filed her application for licensure and remain pending as of the filing of this order.

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)(1), due to her providing incorrect, misleading, incomplete or materially untrue information in a license application.

12-7-2018

Date Signed



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution to:

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