

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 17177-AG18-0524-087

IN THE MATTER OF: )  
 )  
Lance Banning )  
111 Carnoustie Lane )  
Scherville, IN 46375 )  
 )  
Respondent. )  
 )  
Type of Agency Action: Enforcement )  
 )  
License Number: 447639 )

**FILED**

JAN 11 2018

STATE OF INDIANA  
DEPT. OF INSURANCE

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

On November 15, 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 Responded 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. The Respondent timely filed an objection with the Commissioner regarding the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order.
4. On December 13, 2018, the Respondent filed a Response to the Department's Objection to the Recommended Order.
5. The ultimate authority shall issue a final order affirming, modifying, or dissolving the administrative law judge's order under Ind. Code § 4-21.5-3-29.

Therefore, the Commissioner of Insurance, being fully advised, now hereby issues the following Findings of Fact, Conclusions of Law, and Final Order.

### **FINDINGS OF FACT**

1. Paragraphs one (1) through fifty (50) of the "Conclusions of Law" section in the Recommended Order are adopted in full and incorporated herein.
2. Conclusions of Law that are properly stated as Findings of Fact are hereby incorporated as such.

### **CONCLUSIONS OF LAW**

1. Paragraphs one (1) through seven (7) of the "Conclusions of Law" section in the Recommended Order are adopted in full and incorporated herein.
2. Paragraph eight (8) of the "Conclusions of Law" section in the Recommended Order is modified to state that, "Pursuant to Indiana Code 27-1-15.6-12(d), a hearing was held to determine the reasonableness of the Commissioner's decision to refuse to renew Respondent's license. Respondent met his burden of proving that the Commissioner's decision was unreasonable."
3. Findings of Fact that are properly stated as Conclusions of Law are hereby incorporated as such.

### **FINAL ORDER**

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. The refusal to renew Respondent's Resident Producer License shall be reversed on the effective date of this Order.
2. The Respondent's application for renewal of his Resident Producer License shall be APPROVED, under the following terms and conditions:
  - a. That Respondent not have any further contact with Complainant in this matter.

b. Pay a fine in the amount of one thousand dollars (\$1,000).

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 11 day of January, 2019.

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Copies to:

Lance Banninga  
c/o Michael E. Brown, Counsel for Respondent  
Kightlinger & Gray  
211 N. Pennsylvania Street, Suite 300  
Indianapolis, Indiana 46204

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

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**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 18, 2018, at 11:20 (A.M./P.M.) Eastern Time, at 311 West Washington Street, Suite 103, Indianapolis, Indiana, to determine whether to grant the Respondent's request for the renewal of 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 refuse to renew an insurance producer's license is contained in Indiana Code § 27-1-15.6-12(b).

The issues to be resolved at the hearing are those described in the Administrative Order Notice of Nonrenewal of License filed on June 15, 2018.

The Indiana Department of Insurance asserts that Respondent has not fully met the requirements of licensure under Indiana Code § 27-1-15.6-6 and Indiana Code § 27-1-15.6-12. Specifically, Respondent used threatening and inappropriate language with an Indiana consumer

and mailed letters to consumer's certificate holders alleging false information about the consumer's policy cancellation, 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:

Reuben B. Hill  
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 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:

Lance W Banninga  
111 Carnoustie Lane  
Schereville, IN 46375

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

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JUN 22 2018

STATE OF INDIANA  
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**ADMINISTRATIVE ORDER**  
**NOTICE OF NONRENEWAL OF LICENSE - AMENDED**

The Indiana Department of Insurance (“Department”), 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 Lance W Banninga (“Respondent”) of the following Administrative Order:

1. Respondent is a resident licensed insurance producer holding license number 447639 (“Respondent’s license”) since December 16, 2003.
2. On or about April 24, 2018, the Department received a complaint from a consumer (“Complainant”) alleging Respondent was conducting business in an aggressive and coercive manner.
3. The Department’s investigation revealed email communication Respondent sent to Complainant that included threatening and inappropriate language.

4. The Department further discovered Respondent had mailed letters to Complainant's certificate holders that alleged false information about Complainant's policy cancellation.
5. Indiana Code § 27-1-15.6-12(b)(8) states the commissioner may refuse to renew an insurance producer license for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial responsibility in the conduct of business in Indiana or elsewhere.
6. Indiana Code § 27-1-15.6-12(d) provides that when the Commissioner refuses to renew a license, the Commissioner shall notify the Respondent, in writing, of the reasons for the nonrenewal. This Order serves as that notice.
7. The Commissioner further notifies Respondent that, pursuant to Indiana Code § 27-1-15.6-12(d), Respondent may, within sixty-three (63) days of the mailing of this Order, make a written demand upon the Commissioner for a hearing to determine the reasonableness of this action. Such a hearing shall be held within thirty (30) days from the date of receipt of Respondent's written demand.

WHEREFORE, based on the foregoing, the Commissioner of Insurance hereby notifies Respondent that **Respondent's license shall not be renewed** for using coercive and dishonest practices in the conduct of business.

June 22, 2018  
Date Signed

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

Erica Dobbs, Attorney

ATTN: Taylor Peycha, Jr. Investigator

Indiana Department of Insurance

311 W Washington St., Suite 103

Indianapolis, IN 46204-2787

Phone: 317-233-9432

Lance W Banninga

111 Carnoustie Lane

Schererville, IN 46375