

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 17374-AD18-0801-059

IN THE MATTER OF:)
)
Stanford Latrail Clacks Jr.)
5132 Brandenburg Way)
Madison, Wisconsin 53718)
)
Applicant.)
)
Type of Agency Action: Enforcement)
)
Application ID: 657059)

FILED
JAN 11 2019
STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On November 13, 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 Applicant timely filed an objection with the Commissioner regarding the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order.
4. 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 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 Non-Resident Producer License be 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 11 day of January, 2019.



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Stanford Latriail Clacks Jr.
5132 Brandenburg Way
Madison, Wisconsin 53718

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

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CAUSE NUMBER: 17374-AD18-0801-059

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NOV 13 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: 11/13/18



Reuben B. Hill
Administrative Law Judge

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**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 Stanford Latriail Clacks Jr. (“Applicant”). This matter came on to be heard by the ALJ on October 9, 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 by telephone and without counsel. Testimony was heard, and exhibits were received into evidence.

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NOTICE OF FILING OF RECOMMENDED ORDER

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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: 11/13/18



Reuben B. Hill
Administrative Law Judge

STATE OF INDIANA)
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**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 Stanford Latriail Clacks Jr. (“Applicant”). This matter came on to be heard by the ALJ on October 9, 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 by 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 Non Resident Producer License on July 15, 2018.
2. On his application, Applicant answered “yes” to the question that asks, “Have you ever been convicted of a misdemeanor?” (Department’s Exhibit 4)
3. Applicant was convicted of Battery, a Class A Misdemeanor, pursuant to Wisconsin Statute 940.19(1) on May 7, 2010 in the State of Wisconsin after pleading no contest on allegations that he had choked his then-girlfriend during an argument. (Department’s Exhibits 1 and 2)
4. The ALJ took judicial notice of Wisconsin Statute 940.19(1), which states that “Whoever causes bodily harm to another by an act done with intent to cause bodily harm to that person or another without the consent of the person so harmed is guilty of a Class A Misdemeanor”.
5. Applicant testified that he did not choke the victim, but was grabbing her bags away from her and not allowing her to leave the apartment, as she was trying to do. (Hearing Transcript, p. 27)
6. Applicant testified he served ninety (90) days on work release for the offense. (Hearing Transcript, p. 26)
7. On his application, Applicant answered “no” to the question that asks, “Have you ever been named or involved as a party in an administrative proceeding. . .regarding any professional or occupational license or registration?” (Department’s Exhibit 4)

8. Applicant's home state is Wisconsin, where his license was revoked on January 8, 2018 due to his failure to pay delinquent taxes. (Department's Exhibit 3)
9. Applicant testified that he did not disclose this action on his application because he did not "one hundred percent understand that particular question". (Hearing Transcript, p. 13)
10. Applicant further testified that his Wisconsin license was reinstated in February, 2018 after he established a payment plan with the Wisconsin Department of Revenue to satisfy his debt. (Hearing Transcript, p. 13)
11. Applicant is still making payments pursuant to this payment plan. (Hearing Transcript, p. 13)
12. Applicant admitted five (5) exhibits at the hearing. Applicant's Exhibit A is a copy of his resume. Applicant's Exhibit B is a list of the payments made to date to the Wisconsin Department of Revenue for his outstanding tax debt. Applicant's Exhibit C-E are all character reference letters. Applicant's Exhibit C is a letter from Applicant's wife, who was Applicant's girlfriend in 2010 and the victim of the Battery. Applicant's Exhibit D is a letter from Applicant's best friend, and Applicant's Exhibit E is a letter from Applicant's wife's parents.
13. 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. 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. Applicant has a conviction for Battery, a Class A Misdemeanor, arising from a domestic situation during which, he testified, he was taking his then girlfriend's bags away from her to prevent her leaving the apartment, as she wished to do.
6. Applicant's conviction demonstrates coercive behavior in violation of Indiana Code 27-1-15.6-12(b)(8).
7. Indiana Code 27-1-15.6-12(b)(9) allows the Commissioner to deny an Insurance Producer License for having an Insurance Producer license, or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory.
8. Applicant's home state Insurance Producer License was revoked in January, 2018 for failure to pay delinquent taxes.
9. 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.
10. Applicant failed to disclose his January, 2018 home state Producer License Revocation on his June 15, 2018 Indiana application for Non Resident License.

11. 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 him a Non Resident Producer License and, therefore, bears the burden.
12. 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 his burden of proving the Commissioner's decision was unreasonable.
13. Findings of Fact that can be adopted as a Conclusion of Law are hereby incorporated herein as such.

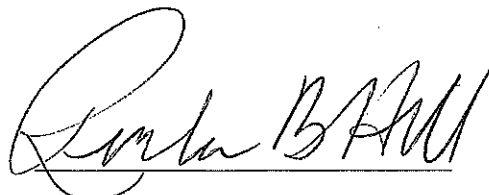
RECOMMENDED ORDER

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 Non Resident Producer License be **AFFIRMED.**

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the **Commissioner of Insurance** this 13th day of November, 2018



Reuben B. Hill, Esq.
Administrative Law Judge

Distribution:

Stanford Latriel Clacks Jr.
5132 Brandenburg Way
Madison, Wisconsin 53718

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

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BEFORE THE INDIANA
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Type of Agency Action: Enforcement)

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FILED

NOV 08 2018

**STATE OF INDIANA
DEPT. OF INSURANCE**

**PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW
AND RECOMMENDED ORDER**

Administrative Law Judge (“ALJ”) Reuben Hill, having considered and reviewed all of the evidence, will now render a decision in the matter of Stanford Latrail Clacks Jr. (“Applicant”). This matter came to be heard by the ALJ on October 9, 2018 at 10:00a.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 by 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 his Recommended Order.

FINDINGS OF FACT

1. Applicant applied for nonresident producer licensure on July 15, 2018.
2. On his application, Applicant answered “yes” to the question that asks: “Have you ever been convicted of a misdemeanor?” (Department’s Exhibit 4)

3. Applicant was convicted of Battery, a Class A Misdemeanor, pursuant to Wisconsin Statute § 940.19(1) on May 7, 2010 in the State of Wisconsin after pleading no contest on allegations that he had choked his then-girlfriend during an argument. (Department's Exhibits 1 and 2)

4. The ALJ took judicial notice of Wisconsin Statute § 940.19(1), which states that "Whoever causes bodily harm to another by an act done with intent to cause bodily harm to that person or another without the consent of the person so harmed is guilty of a Class A Misdemeanor."

5. Applicant testified that he did not choke the victim, but was grabbing her bags away from her and not allowing her to leave the apartment, as she was trying to do. (Hearing Transcript, p. 27)

6. Applicant testified he served ninety (90) days on work release for the offense. (Hearing Transcript, p. 26)

7. On his application, Applicant answered "no" to the question that asks: "Have you ever been named or involved as a party in an administrative proceeding...regarding any professional or occupational license or registration?" (Department's Exhibit 4)

8. Applicant's home state is Wisconsin, where his license was revoked on January 8, 2018 due to his failure to pay delinquent taxes. (Department's Exhibit 3)

9. Applicant testified that he did not disclose this action on his application because he did not "one hundred percent understand that particular question." (Hearing Transcript, p. 13)

10. Applicant further testified that his Wisconsin license was reinstated in February, 2018 after he established a payment plan with the Wisconsin Department of Revenue to satisfy his debt. (Hearing Transcript, p. 13)

11. Applicant is still making payments pursuant to this payment plan. (Hearing Transcript, p. 13)

12. Applicant admitted five (5) exhibits at the hearing. Applicant's Exhibit A is a copy of his resume. Applicant's Exhibit B is a list of the payments made to date to the Wisconsin Department of Revenue for his outstanding tax debt. Applicant's Exhibits C-E are all character reference letters. Applicant's Exhibit C is a letter from Applicant's wife, who was Applicant's girlfriend in 2010 and the victim of the Battery. Applicant's Exhibit D is a letter from Applicant's best friend, and Applicant's Exhibit E is a letter from Applicant's wife's parents.

13. 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. Indiana Code § 27-1-15.6-12(b)(8) allows the Commissioner to deny an insurance 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.

5. Applicant has a conviction for Battery, a Class A Misdemeanor, arising from a domestic situation during which, he testified, he was taking his then-girlfriend's bags away from her to prevent her leaving the apartment, as she wished to do.

6. Applicant's conviction demonstrates coercive behavior in violation of Indiana Code § 27-1-15.6-12(b)(8).

7. Indiana Code § 27-1-15.6-12(b)(9) allows the Commissioner to deny an insurance producer's license for having an insurance producer license, or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory.

8. Applicant's home state insurance producer license was revoked in January, 2018 for failure to pay delinquent taxes.

9. Indiana Code § 27-1-15.6-12(b)(1) allows the Commissioner to deny an insurance producer's license for providing incorrect, misleading, incomplete, or materially untrue information in a license application.

10. Applicant failed to disclose his January, 2018 home state producer license revocation on his June 15, 2018 Indiana application for nonresident licensure.

11. 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. Here, Applicant is requesting that the Department issue him a nonresident producer license and, therefore, bears the burden.

12. 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 his burden of proving the Commissioner's decision was unreasonable.

13. Findings of Fact that can be adopted as a Conclusion of Law are hereby incorporated herein as such.

RECOMMENDED ORDER

With the 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 nonresident producer's license be
AFFIRMED.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this _____ day of _____, 2018.

Reuben Hill
Administrative Law Judge

Distribution:

Stanford Latriel Clacks Jr.
5132 Brandenburg Way
Madison, WI 53718

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

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Type of Agency Action: Enforcement)
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Application ID: 657059)

FILED

SEP 19 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 on October 9, 2018, at 10:00 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 nonresident 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 August 10, 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 a May 7, 2010 Class A Misdemeanor Battery conviction in the state of Wisconsin in violation of Indiana Code § 27-1-

15.6-12(b)(8), and failing to disclose an administrative action on his application for licensure in violation of Indiana Code §§ 27-1-15.6-12(b)(1) and 27-1-15.6-12(b)(9).

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: 317/232-3520

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: 317-232-5887

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: 9/19/18

Reuben B. Hill
Administrative Law Judge
Indiana Department of Insurance

This Notice has been sent to:

Stanford Latrail Clacks Jr.
5132 Brandenburg Way
Madison, WI 53718

Taylor Peycha, Insurance Investigator
Indiana Department of Insurance
311 West Washington St., Suite 103
Indianapolis, IN 46204-278

STATE OF INDIANA)
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BEFORE THE INDIANA
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AUG 10 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 Stanford Latriail Clacks Jr (“Applicant”) of the following Administrative Order:

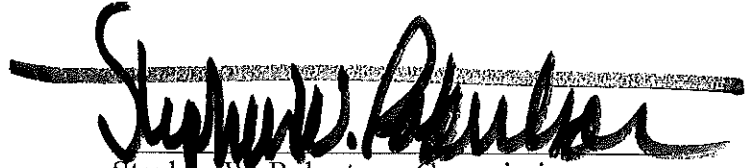
1. Applicant filed an application for nonresident licensure with the Commissioner of the Indiana Department of Insurance (“Commissioner”) on July 15, 2018.
2. Before approving an application, the Commissioner must find that the applicant has met specific requirements under Indiana Code § 27-1-15.6-8 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 or renew an insurance producer license for providing incorrect, misleading, incomplete or materially untrue information in a license application.
4. Indiana Code § 27-1-15.6-12(b)(8) provides, in part, 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.

5. Indiana Code § 27-1-15.6-12(b)(9) provides, in part, that the Commissioner may refuse to issue or renew an insurance producer license for having an insurance producer license denied, suspended, or revoked in any other state, province, district, or territory.
6. Following a review of materials submitted by Applicant in support of his application, the Commissioner being fully advised, now hereby notifies Applicant that he has not fully met the requirements of licensure as stated by Indiana Codes § 27-1-15.6-12(b)(8) based on Applicant's May 7, 2010 Class A Misdemeanor Battery conviction in the state of Wisconsin.
7. Following a review of public records, the Commissioner being fully advised, now hereby notifies Applicant that he has not fully met the requirements of licensure as stated by Indiana Code §§ 27-1-15.6-12(b)(1) and 27-1-15.6-12(b)(9) for failing to disclose a February 8, 2018 Wisconsin Order of Revocation of his producer license.
8. 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)(1), 27-1-15.6-12(b)(8), and 27-1-15.6-12(b)(9).

August 10, 2018
Date Signed


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution to:

Stanford Latrail Clacks Jr
5132 Brandenburg Way
Madison, WI 53718

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