

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 17437-AD18-0809-060

IN THE MATTER OF:)
)
Brian Blankenship)
7802 Joseph Drive)
Sellersburg, IN 47172)
)
Applicant.)
)
Type of Agency Action: Enforcement)
)
Application ID: 655307)

FILED

FEB 08 2019

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On January 7, 2019, 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. 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 8 day of February, 2019.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Brian Blankenship
7802 Joseph Drive
Sellersburg, IN 47172

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

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JAN 07 2019

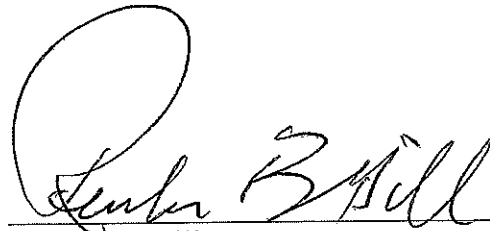
STATE OF INDIANA
DEPT. OF INSURANCE

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: 1-7-2019



Reuben B. Hill
Administrative Law Judge

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

IN THE MATTER OF:)

Brian Blankenship)
7802 Joseph Drive)
Sellersburg, Indiana 47172)

Applicant.)

Type of Agency Action: Enforcement)

Application ID: 655307)

CAUSE NO.: 17437-AD18-0809-060

FILED

JAN 07 2019

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 Brian Blankenship (“Applicant”). This matter came on to be heard by the ALJ on November 29, 2018 at 11:00 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 failed to appear. The ALJ now makes the following Findings of Fact, Conclusions of Law, and issues his Recommended Default Order.

FINDINGS OF FACT

1. Applicant submitted his application for Resident Producer License on June 5, 2018, and the Commissioner entered a Preliminary Administrative Order and Notice of License Denial on August 30, 2018.
2. Applicant requested a hearing pursuant to Indiana Code 27-1-15.6-12(d) and the matter was set for November 28, 2018, and continued at the Department's request to November 29, 2018.
3. Notice of the November 29, 2018 hearing date and time was mailed to Applicant at his address of record.
4. Applicant was incarcerated in the Spencer County Jail on November 29, 2018.
(Department's Exhibit 13)
5. Applicant disclosed numerous criminal convictions on his application for licensure, including convictions for Resisting Law Enforcement, a Class A Misdemeanor, from October 1, 2009; Harassment and Disorderly Conduct, both Class B Misdemeanors, from April 2, 2014; and Possession of Cocaine, a Class A Misdemeanor, from January 23, 2018, for which Applicant is currently on probation. (Department's Exhibits 1 through 6)
6. After submitting his application for Resident Producer License, Applicant acquired three (3) additional criminal cases.
7. Applicant was charged with Criminal Confinement, a Level 6 Felony, Resisting Law Enforcement, a Class A Misdemeanor, and Disorderly Conduct, a Class B Misdemeanor, on September 16, 2018 in the Clark County Circuit Court. He was convicted Resisting

Law Enforcement and Disorderly Conduct on October 16, 2018 pursuant to a plea agreement, and a No Contact Order was entered against Applicant protecting the victim from him. (Department's Exhibits 7 and 8)

8. Applicant was charged with Battery Resulting in Bodily Injury, a Class A Misdemeanor, on September 24, 2018 in the Clark County Circuit Court. He was convicted of the same on October 16, 2018, pursuant to a plea agreement. (Department's Exhibits 9-10)
9. Applicant was charged with Invasion of Privacy, a Class A Misdemeanor, on October 31, 2018, for violating the No Contact Order imposed on October 16, 2018. These charges remain pending. (Department's Exhibits 11 and 12)
10. Conclusions of Law that can be adopted as Findings of Fact are hereby incorporated herein as such.

CONCLUSIONS OF LAW

1. The Commissioner of the Indiana Department of Insurance ("Commissioner") has jurisdiction over both the subject matter and the parties to this action.
2. This hearing was set 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. Applicant has numerous criminal convictions that demonstrate a pattern of using fraudulent, coercive, or dishonest practices.
6. 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 Resident Producer License and, therefore, bears the burden.
7. Pursuant to Indiana Code 27-1-15.6-12(d), a hearing was set to determine the reasonableness of the Commissioner's decision. Applicant failed to appear for said hearing and failed to meet his burden of proving the Commissioner's decision was unreasonable.
8. Indiana Code 4-21.5-3-24 states, in part, that if a party fails to attend or participate in a hearing, the administrative law judge may serve upon all persons written notice of a proposed default order, including a statement of the grounds. Within seven (7) days after service of a proposed default order, Respondent may file a written motion requesting the proposed default order not be imposed and stating the grounds relied upon.
9. Findings of Fact that can be adopted as Conclusions of Law are hereby incorporated herein as such.

RECOMMENDED ORDER

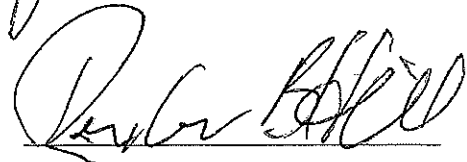
IT IS THEREFORE RECOMMENDED:

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. The denial of Applicant's application for Resident Producer License should be **AFFIRMED.**

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the

Commissioner of Insurance this 8th day of Jan, 2019.



Reuben B. Hill, Esq.
Administrative Law Judge

Distribution:

Brian Blankenship
7802 Joseph Drive
Sellersburg, Indiana 47172

Erica J. Dobbs, Attorney
Attn: Melissa Higgins, Senior Investigator
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, Indiana 46204

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE.

CAUSE NO.: 17437-AD18-0809-060

IN THE MATTER OF:)

Brian Blankenship)
7802 Joseph Drive)
Sellersburg, IN 47172)

Applicant.)

Type of Agency Action: Enforcement)

Application ID: 655307)

FILED

DEC 27 2018

STATE OF INDIANA
DEPT. OF INSURANCE

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

Administrative Law Judge (“ALJ”) Reuben Hill, having considered and reviewed all of the evidence, will now render a decision in the matter of Brian Blankenship (“Applicant”). This matter came to be heard by the ALJ on November 29, 2018 at 11:00 a.m. at the Indiana Department of Insurance, 311 West Washington Street, Indianapolis, Indiana.

The Enforcement Division of the Indiana Department of Insurance (“Department”) was represented by counsel, Erica J. Dobbs. Applicant failed to appear. The ALJ now makes the following Findings of Fact, Conclusions of Law, and issues his Recommended Default Order.

FINDINGS OF FACT

1. Applicant submitted his application for resident producer licensure on June 5, 2018, and the Commissioner entered a Preliminary Administrative Order and Notice of License Denial on August 30, 2018.

2. Applicant requested a hearing pursuant to Indiana Code § 27-1-15.6-12(d) and the matter was set for November 28, 2018, and continued at the Department's request to November 29, 2018.

3. Notice of the November 29, 2018 hearing date and time was mailed to Applicant at his address of record.

4. Applicant was incarcerated in the Spencer County Jail on November 29, 2018. (Department's Exhibit 13)

5. Applicant disclosed numerous criminal convictions on his application for licensure, including convictions for Resisting Law Enforcement, a Class A Misdemeanor, from October 1, 2009; Harassment and Disorderly Conduct, both Class B Misdemeanors, from April 2, 2014; and Possession of Cocaine, a Class A Misdemeanor, from January 23, 2018, for which Applicant is currently on probation. (Department's Exhibits 1 through 6)

6. After submitting his application for licensure, Applicant acquired three (3) additional criminal cases.

7. Applicant was charged with Criminal Confinement, a Level 6 Felony, Resisting Law Enforcement, a Class A Misdemeanor, and Disorderly Conduct, a Class B Misdemeanor, on September 16, 2018 in the Clark County Circuit Court. He was convicted Resisting Law Enforcement and Disorderly Conduct on October 16, 2018 pursuant to a plea agreement, and a no contact order was entered against Applicant protecting the victim from him. (Department's Exhibits 7 and 8)

8. Applicant was charged with Battery Resulting in Bodily Injury, a Class A Misdemeanor, on September 24, 2018 in the Clark County Circuit Court. He was convicted of the same on October 16, 2018, pursuant to a plea agreement. (Department's Exhibits 9-10)

9. Applicant was charged with Invasion of Privacy, a Class A Misdemeanor, on October 31, 2018, for violating the no contact order imposed on October 16, 2018. These charges remain pending. (Department's Exhibits 11 and 12)

10. Conclusions of Law that can be adopted as Findings of Fact are hereby incorporated herein as such.

CONCLUSIONS OF LAW

1. The Commissioner of the Indiana Department of Insurance ("Commissioner") has jurisdiction over both the subject matter and the parties to this action.

2. This hearing was set 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. Applicant has numerous criminal convictions that demonstrate a pattern of using fraudulent, coercive, or dishonest practices.

6. 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 resident producer license and, therefore, bears the burden.

7. Pursuant to Indiana Code § 27-1-15.6-12(d), a hearing was set to determine the reasonableness of the Commissioner's decision; Applicant failed to appear for said hearing and failed to meet his burden of proving the Commissioner's decision was unreasonable.

8. Indiana Code § 4-21.5-3-24 states, in part, that if a party fails to attend or participate in a hearing, the administrative law judge may serve upon all parties written notice of a proposed default order, including a statement of the grounds. Within seven (7) days after service of a proposed default order, Respondent may file a written motion requesting the proposed default order not be imposed and stating the grounds relied upon.

9. Findings of Fact that can be adopted as Conclusions of Law are hereby incorporated herein as such.

RECOMMENDED DEFAULT ORDER

With the Findings of Fact and the Conclusions of Law as stated, the Administrative Law Judge now recommends to the Commissioner the following:

1. The denial of Applicant's application for resident producer licensure should be AFFIRMED.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this _____ day of _____, 2019.

Reuben Hill
Administrative Law Judge

Distribution:

Brian Blankenship
7802 Joseph Drive
Sellersburg, IN 47172

Erica J. Dobbs, Attorney
Attn: Melissa Higgins, Senior Investigator
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.: 17437-AD18-0809-060

IN THE MATTER OF:)

Brian Blankenship)
7802 Joseph Drive)
Sellersburg, IN 47172)

Respondent.)

Type of Agency Action: Enforcement)

Application ID: 655307)

FILED

NOV 09 2018

STATE OF INDIANA
DEPT. OF INSURANCE

NOTICE OF NEW HEARING

The hearing in this matter is currently set on November 28, 2018 at 11:00am. The attorney for the Department is unavailable on that day and time and requests a one (1) day continuance. The Department has attempted to contact Applicant multiple times to determine if he objects to this continuance, but Applicant's voice-mailbox is full and not accepting messages. November 29 is still within thirty (30) days of Applicant's request for hearing, and the Department's request for continuance is granted.

Notice is hereby given, pursuant to Indiana Code § 4-21.5-3 *et seq.*, that an evidentiary hearing will be held on **November 29, 2018, at 11:00 A.M. Eastern Time**, at 311 West Washington Street, Suite 103, Indianapolis, Indiana, to determine whether to grant Respondent's request for approval of his resident producer's license.

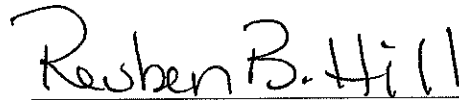
The hearing will be conducted in accordance with the provisions of the Administrative Orders and Procedures Act, codified at Indiana Code § 4-21.5-3 *et seq.* The Commissioner's authority regarding agent licensing is contained in Indiana Code § 27-1-15.6-12(b).

The issues to be resolved at the hearing are those described in the Preliminary

Administrative Order and Notice of License Denial filed on August 30, 2018.

The Indiana Department of Insurance asserts that Respondent has violated Indiana Code §§ 27-1-15.6-12(b)(8), due to Applicants' criminal history.

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



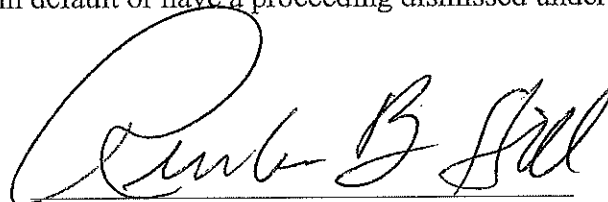
Indiana Department of Insurance
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204-2787
Telephone: (317) 232-2387

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: 11/9/18



Administrative Law Judge
Indiana Department of Insurance

Distribution:

Erica J. Dobbs, Attorney
ATTN: Melissa Higgins, Sr. Insurance Investigator
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204-2787

Brian Blankenship
7802 Joseph Drive
Sellersburg, IN 47172

STATE OF INDIANA)
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BEFORE THE INDIANA
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Respondent.)

Type of Agency Action: Enforcement)

Application ID: 655307)

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NOV 02 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 November 28, 2018, at 11:00 Eastern Time at 311 West Washington Street, Suite 103, Indianapolis, Indiana 46204-2787, to determine whether to grant Respondent's request for approval of his 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 regarding agent licensing 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 30, 2018.

The Indiana Department of Insurance asserts that Respondent has violated Indiana Code §§ 27-1-15.6-12(b)(8), due to Applicants' criminal history.

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) 232-2387

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: 10/2/18

Reuben B. Hill
Administrative Law Judge
Indiana Department of Insurance

Distribution:

Erica J. Dobbs, Attorney
ATTN: Melissa Higgins, Sr. Insurance Investigator
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204-2787

Brian Blankenship
7802 Joseph Drive
Sellersburg, IN 47172

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BEFORE THE INDIANA
 COMMISSIONER OF INSURANCE
 CAUSE NO.: 17437-AD18-0809-060

FILED

AUG 30 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 Brian Blankenship (“Applicant”) of the following Administrative Order:

1. Applicant submitted an application for licensure with the Commissioner of the Indiana Department of Insurance (“Commissioner”) on June 5, 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, in part, that the Commissioner may refuse to issue 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. 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)(8), due to

Applicant's convictions for Resisting Law Enforcement, a Class A Misdemeanor, from October 1, 2009; Harassment, a Class B Misdemeanor, from April 2, 2014; Disorderly Conduct, a Class B Misdemeanor, from April 2, 2014; and a Battery charge resolved via pretrial diversion March 1, 2018.

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 Applicant's request for licensure is hereby DENIED pursuant to Indiana Codes § 27-1-15.6-12(b)(8), due to Applicant's criminal history.

August 30, 2018
Date Signed

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

Distribution:

Brain Blankenship
7802 Joseph Drive
Sellersburg, IN 47172

Erica J. Dobbs, Attorney
ATTN: Melissa Higgins, Investigator
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204
317 234-8687, fax 317 234-2103