

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO: 17714-AD18-1025-087

IN THE MATTER OF: )

Kristopher Herbst )  
8237 Madison Avenue )  
Kansas City, MO 64113 )

Applicant. )

Type of Agency Action: Enforcement )

Application ID: 676038 )

**FILED**

FEB 08 2019

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

On January 10, 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 non-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:

Kristopher Herbst  
8237 Madison Avenue  
Kansas City, MO 64113

Erica Dobbs, Attorney  
Indiana Department of Insurance  
311 W. Washington St., Suite 103  
Indianapolis, IN 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 telephonically on December 6, 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.

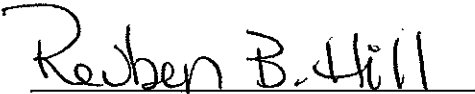
The hearing will be conducted in accordance with the provisions of the Administrative Orders and Procedures Act, codified at Indiana Code § 4-21.5-3 *et seq.* The Commissioner's authority to deny an insurance producer's license application is contained in Indiana Code § 27-1-15.6-12(b).

The issues to be resolved at the hearing are those described in the Preliminary Administrative Order and Notice of License Denial filed on November 2, 2018.

The Indiana Department of Insurance asserts that Applicant has not fully met the requirements of licensure under Indiana Code § 27-1-15.6-8 and Indiana Code § 27-1-15.6-12, due to federal felony convictions for Possession With Intent To Distribute LSD, Possession Of An Explosive, and Receiving a Firearm While Under Indictment, all in violation of Indiana Code §

27-1-15.6-12(b)(6), and failure to disclose a State of Missouri Department of Insurance, Financial Institution and Professional Registration Consent Order allowing Applicant a resident probationary license, which is in violation of Indiana Code § 27-1-15.6-12(b)(1).

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: 317/232-3520


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: \_\_\_\_\_

11/15/18

  
Administrative Law Judge  
Indiana Department of Insurance

This Notice has been sent to:

Kristopher Herbst  
8237 Madison Avenue  
Kansas City, MO 64113

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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**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 Kristopher Herbst (“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 September 26, 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)(6) provides, in part, that the Commissioner may refuse to issue or renew an insurance producer license for having been convicted of a felony.

5. Following a review of material submitted by Applicant, the Commissioner being fully advised, now hereby notifies Applicant he has not fully met the requirements of licensure as stated by Indiana Code § 27-1-15.6-12(b)(6) due to his federal felony convictions for Possession With Intent To Distribute LSD from October 9, 2001, Possession Of An Explosive from October 23, 2001, and Receiving Firearm While Under Indictment April 18, 2002.
6. 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) for failing to disclose a January 3, 2018 State of Missouri Department of Insurance, Financial Institution and Professional Registration Consent Order allowing Applicant a resident probationary 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) and 27-1-15.6-12(b)(6).

*November 2, 2018*  
Date Signed

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution to:

Kristopher Herbst  
8237 Madison Avenue  
Kansas City, MO 64113

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