

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 17701-AD18-1127-102

IN THE MATTER OF:)

Christopher D. Williams)
714 W Joliet St)
Crown Point, IN 46307)

Applicant.)

License Application #: 673052)

Type of Agency Action: Enforcement)

FILED

APR 12 2019

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On March 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 Applicant 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 Indiana Resident Producer License is
AFFIRMED.

Under Ind. Code §4-21.5-5-5, Applicant 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 12 day of April, 2019.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Christopher D. Williams
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Crown Point, IN 46307

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

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NOTICE OF FILING OF RECOMMENDED ORDER

The parties of this action are hereby notified that the Administrative Law Judge's
Recommended Order is 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: 7 March 19



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 Christopher Williams ("Applicant"). This matter came on to be heard by the ALJ on January 23, 2019 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 appeared in person 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 submitted a license application for a Resident Insurance Producer License on September 14, 2018. (Department's Exhibit 1)
2. Applicant answered "no" to the question on the application that asks, "Have you ever been convicted of a misdemeanor, or are you currently charged with committing a misdemeanor"? (Department's Exhibit 1)
3. Applicant has a conviction for Theft, a Class A Misdemeanor, from February 16, 2011. (Department's Exhibit 2)
4. Applicant testified that the Theft conviction was the result of a "brief business deal, with a bad individual," wherein he was working as a roofing salesman and obtained a down payment from a customer. (Hearing transcript, p. 15, 22-24)
5. After an argument with his employer, Applicant put the money in his employer's door without the employer knowing he was going to do so, and the money then disappeared. (Hearing transcript, p. 22-24)
6. Applicant was charged with Theft, a Class D Felony, on July 8, 2009. (Department's Exhibit 2)
7. Applicant pleaded guilty to the charge and was granted Alternate Misdemeanor Sentencing upfront and placed on probation for six (6) months. (Department's Exhibit 2)
8. Applicant first testified that he did not disclose the misdemeanor convictions on his application because he was unaware the application would ask about misdemeanor

convictions so, when filling out the application with a representative of his would-be employer, he was unprepared to answer and became “very nervous and unsure”.

(Hearing Transcript, p. 10-11)

9. Applicant later testified that he had legal trouble in his youth, but this “particular conviction slipped his mind”. (Hearing Transcript, p. 11)
10. Applicant testified that he does not know how many convictions he has or what they are. (Hearing Transcript, p. 19-20)
11. Applicant submitted three (3) exhibits on his own behalf. Applicant’s Exhibits A-B are recommendation letters from the bookkeeper and the owner at his current employment, respectively. Applicant’s Exhibit C is a printout from his current employer’s website containing eight (8) customer reviews of Applicants work.
12. Conclusions of Law that can be adopted as Findings of Fact are hereby incorporated herein as such.

CONCLUSIONS OF LAW

1. The Commissioner 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. Specifically, 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.

5. Applicant's failure to disclose his February 16, 2011 criminal conviction for Theft, a Class A Misdemeanor, is evidence that he provided incorrect, misleading, incomplete, or materially untrue information in a license application.
6. Further, 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.
7. Applicant's Theft conviction is the result of missing money that had been received from a consumer in the conduct of business while Applicant was acting as a roofing salesman.
8. 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.
9. 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.
10. Findings of Fact that can be adopted as Conclusions of Law are hereby incorporated herein as such.

RECOMMENDED ORDER

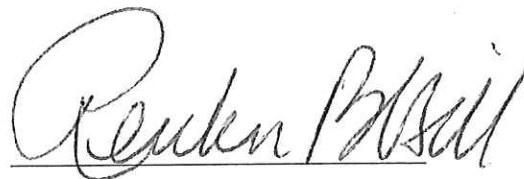
IT IS THEREFORE RECOMMENDED:

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. That the denial of Applicant's application for an Indiana Resident Producer License should be **AFFIRMED**.

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

Commissioner of Insurance this 7th day of March, 2019.



Reuben B. Hill, Esq.
Administrative Law Judge

Distribution:

Christopher D. Williams
714 W. Joliet St.
Crown Point, IN 46307

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

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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 Christopher D. Williams ("Applicant") of the following Administrative Order:

1. Applicant filed an application for resident producer licensure with the Commissioner of the Indiana Department of Insurance ("Commissioner") on September 17, 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's 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 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. Following a review of materials submitted by Applicant in support of his application and 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 Codes §§ 27-1-15.6-12(b)(1) and 27-1-15.6-12(b)(8) by failing to disclose a February 16, 2011 conviction for Theft, a Class A Misdemeanor, on an application for licensure.
6. 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)(8), due Applicant's failure to disclose his criminal history on an application for licensure. Applicant may reapply for licensure not less than one (1) year from the date of this order.

12-17-2018
Date Signed


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution to:

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