

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER of INSURANCE

CAUSE NO: 17960-PA19-0128-001

IN THE MATTER OF: )

Brent Emerson )  
8888 Keystone Crossing, Ste. 1300 )  
Indianapolis, IN 46240 )

Respondent. )

Certificate of Authority: 3283497 )

Type of Agency Action: Enforcement )

**FILED**

AUG 16 2019

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

On June 18, 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. Respondent's resident public adjuster certificate of authority #3283497 is permanently revoked effective immediately.

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 16 day of August, 2019.

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Copies to:

Brent Emerson  
8888 Keystone Crossing, Suite 1300  
Indianapolis, IN 46240

CC: Brent Emerson  
19014 Meta Road  
Cornelius, NC 28031

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

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JUN 18 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 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: June 18, 2019

  
Reuben B. Hill  
Administrative Law Judge

STATE OF INDIANA       )  
                                  ) SS:  
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BEFORE THE INDIANA  
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IN THE MATTER OF:                     )

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Respondent                             )

Certificate of Authority: 3283497    )

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STATE OF INDIANA  
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**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND RECOMMENDED ORDER**

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Administrative Law Judge Reuben B. Hill ("ALJ"), having heard, reviewed and considered all of the evidence, now renders a decision concerning the matter of Brent Emerson ("Respondent"). This matter came on to be heard by the ALJ on May 9, 2019 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. Respondent failed to appear. 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. Respondent has held a Resident Public Adjuster Certificate of Authority since October 16, 2017.
2. On Respondent's application, he listed his resident state as "Indiana" and his mailing address as "8888 Keystone Crossing, Apt. 1300, Indianapolis, IN 46240".  
(Department's Exhibit 5)
3. The Department was notified on January 18, 2019 by the North Carolina Department of Insurance Consumer Services that Respondent is a resident of North Carolina and working as a "Customer Service Supervisor" for a company in Charlotte, North Carolina.  
(Department's Exhibit 1; Department Exhibit 2)
4. The Department's investigation revealed that the address used by Respondent on his October, 2017 application is not a residential address, but rather a virtual office space available to be rented for particular commercial purposes. (Department's Exhibit 4)
5. Further, Respondent has never held an Indiana Driver's License. (Department's Exhibit 1)
6. The Department's investigation also revealed Respondent has four (4) felony convictions.
7. Respondent was convicted of Fraudulent schemes or Artifices, a Class 2 Felony, and Theft of Means of Transportation, a Class 3 Felony, on August 23, 2000 in the State of Arizona. (Department's Exhibit 7)

8. Respondent was subsequently convicted of Fraudulent Schemes or Artifices, a Class 2 Felony, and Illegal Control of Enterprise, a Class 3 Felony, on March 19, 2009 in the State of Arizona. (Department's Exhibit 8)
9. Respondent answered "no" to the question that ask, "have you ever been convicted of a felony?" when completing both his October 13, 2017 application and November 26, 2018 renewal application. (Department's Exhibit 5; Department's Exhibit 6)
10. The Department filed its Statement of Charges and request for hearing on April 10, 2019 and the matter was set for evidentiary hearing on May 9, 2018.
11. The Department's exhibits and the Notice of Hearing were sent to Respondent at his email address of record, after which time an attorney contacted the Department indicating he would be filing and appearance on behalf of Respondent. The attorney then contacted the Department again, this time stating he would not be entering an appearance on behalf of Respondent. (Hearing Transcript, p. 9-10)
12. Respondent did not contact the department, provide a phone number at which he could be reached, or otherwise appear for the hearing. (Hearing Transcript, p. 10)
13. A Default Hearing was held.
14. 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 held in compliance with the Administrative Orders and Procedures Act of the Indiana Code.

3. Indiana Code 27-1-17-7.1 authorizes the Commissioner to permanently revoke a public adjuster's certificate of authority, due to a number of factors.
4. Indiana Code 27-1-27-7.1(b)(1) allows the Commissioner to permanently revoke a public adjuster's certificate of authority for providing incorrect, misleading, incomplete, or materially untrue information in an application for a certificate of authority.
5. Indiana Code 27-1-27-7.1(b)(3) allows the Commissioner to permanently revoke a Public Adjuster's Certificate of Authority from obtaining a certificate of authority through misrepresentation or fraud.
6. Indiana Code 27-1-27-7.1(b)(6) allows the Commissioner to permanently revoke a Public Adjuster's Certificate of Authority for having been convicted of a felony.
7. Respondent holds a Resident Public Adjuster Certificate of Authority, though he is not, and apparently has never been, a resident of Indiana.
8. Respondent represented on his application for his Resident Public Adjuster Certificate of Authority that he maintains an Indiana residence using a fraudulent Indiana address.
9. Respondent further represented on his application for his Resident Public Adjuster Certificate of Authority that he has never been convicted of a felony, despite having four (4) felony convictions.
10. Indiana Code 4-21.5-3-14© states that the person requesting an agency take action has the burden of persuasion and the burden of going forward. The Department is requesting that the Commissioner permanently revoke Respondent's Resident Public Adjuster Certificate of Authority.

11. The Department has met its burden of showing Respondent violated Indiana Codes 27-1-27-7.1(b)(1), 27-1-27-7.1(b)(3), and 27-1-27-7.1(b)(6), and that Respondent's Resident Public Adjuster Certificate of Authority should be revoked.
12. 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, Respondent may file a written motion requesting the Proposed Default Order not be imposed and stating the grounds relied upon.
13. Findings of Fact that can be adopted as Conclusions of Law are hereby incorporated herein as such.

### **RECOMMENDED ORDER**

IT IS THEREFORE RECOMMENDED:

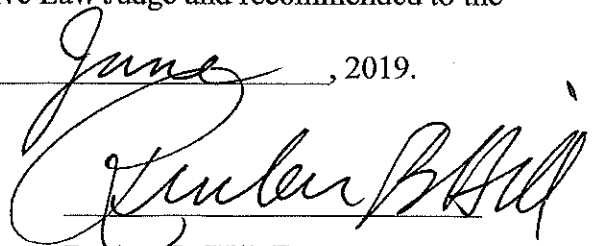
In consideration of the foregoing Findings of Fact and the Conclusions of Law as stated, the Administrative Law Judge now recommends to the **Commissioner of Insurance** the following:

1. That Respondent's Resident Public Adjuster Certificate of Authority #3283497 be permanently **REVOKED**, effective the date the Final Order is issued.



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

Commissioner of Insurance this 18<sup>th</sup> day of June, 2019.



Reuben B. Hill, Esq.  
Administrative Law Judge

Distribution:

Brent Emerson  
8888 Keystone Crossing, Suite 1300  
Indianapolis, IN 46240

Cc: Brent Emerson  
19014 Meta Road  
Cornelius, NC 28031

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

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### STATEMENT OF CHARGES

The Enforcement Division of the Indiana Department of Insurance ("Department"), by counsel, Erica J. Dobbs, pursuant to the Indiana Administrative Orders and Procedures Act, Indiana Code § 4-21.5-1 *et seq.*, files its Statement of Charges against Brent Emerson ("Respondent") as follows:

### FACTS

1. Brent Emerson ("Respondent") is a licensed resident public adjuster, holding certificate of authority number 3283493 since October 16, 2017.
2. On January 18, 2019, the Department was notified by the North Carolina Department of Insurance that Respondent has been residing and doing business in North Carolina during the time that he has held his Indiana resident public adjuster license.
3. The Department's investigation has revealed that Respondent has never held an Indiana drivers' license or registered a vehicle in the state of Indiana.
4. The "residential address" supplied by Respondent at the time of his certificate application, 8888 Keystone Crossing, "Apt 1300," is an office space (Suite 1300) offered by a company

known as Regus, which offers a variety of rental office options on this property, but not residential housing.

5. Further, on Respondent's 2017 license application and on his 2018 renewal application, Respondent answered "no" to the question that asks "Have you ever been convicted of a felony?"
6. The Department's investigation has revealed that Respondent was convicted of Fraudulent Schemes and Artifices, a Class 2 Felony, and Theft of Means of Transportation, a Class 3 Felony, on August 23, 2000 in the State of Arizona.
7. Respondent was also convicted of Fraudulent Schemes and Artifices, a Class 2 Felony, and Illegal Control of Enterprise, a Class 3 Felony, on March 19, 2009 in the State of Arizona.

## **CHARGES**

### **COUNT 1**

1. Averments 1 through 7 are incorporated fully herein by reference.
2. Respondent's conduct is in violation of Indiana Code § 27-1-27-7.1(b)(1) which states, in part, that the Commissioner may revoke a public adjuster's certificate of authority for providing incorrect, misleading, incomplete, or materially untrue information in an application for a certificate of authority.

### **COUNT 2**

1. Averments 1 through 7 are incorporated fully herein by reference.
2. Respondent's conduct is in violation of Indiana Code § 27-1-27-7.1(b)(3) which states, in part, that the Commissioner may revoke a public adjuster's certificate of authority for

obtaining or attempting to obtain a certificate of authority through misrepresentation or fraud.

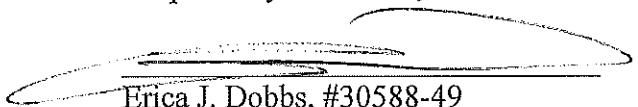
**COUNT 3**

1. Averments 1 and 5 through 7 are incorporated fully herein by reference.
2. Respondent's conduct is in violation of Indiana Code § 27-1-27-7.1(b)(6) which states, in part, that the Commissioner may revoke a public adjuster's certificate of authority for having been convicted of a felony.

**WHEREFORE**, the Enforcement Division of the Indiana Department of Insurance, by counsel, Erica J. Dobbs, requests that the Commissioner set this matter for a hearing pursuant to Indiana Code § 4-21.5, and:

1. Issue an order permanently revoking Respondent's public adjuster's certificate of authority;
2. Grant all other relief just and proper in the premises.

Respectfully submitted,



Erica J. Dobbs, #30588-49  
Attorney, Enforcement Division

Erica J. Dobbs  
Indiana Department of Insurance  
Enforcement Division  
311 West Washington Street, Suite 103  
Indianapolis, Indiana 46204-2787  
Telephone: (317) 234-5887  
Facsimile: (317) 232-5251

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing has been served upon the following Respondent by United States first class mail, postage prepaid, the same day as filing.

Brent Emerson  
8888 Keystone Crossing, Ste 1300  
Indianapolis, IN 46240

CC: Brent Emerson  
19014 Meta Rd  
Cornelius, NC 28031

  
Erica J. Dobbs