

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NOs.: 18053-AD19-0422-043 ✓
18251-AD19-0515-048

IN THE MATTER OF:)
)
Monique Wood)
53 N. Crescent Dr.,)
Frankfort, IN 46041)
)
Applicant.)
)
License Applications # 700621 & 706808)
)
Type of Agency Action: Enforcement)

FILED

OCT 25 2019

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On September 4, 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 her counsel 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.

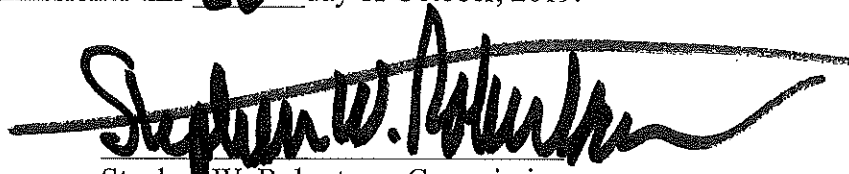
Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Denial of the Applicant's resident producer license for property and casualty lines under license number 700621 is AFFIRMED.
2. Denial of the Applicant's resident producer license for life, accident, and health lines under license number 706808 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 25 day of October, 2019.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Monique Wood
c/o Aaron Schmoll
One American Sq., Suite 2500
Indianapolis, IN 46282-0003

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

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BEFORE THE INDIANA
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CAUSE NUMBER: 18053-AD19-0422-043 ✓
18251-AD19-0515-048

IN THE MATTER OF:)

Monique Wood)
53 North Crescent Drive)
Frankfort, Indiana 46041)

Applicant.)

Type of Agency Action: Enforcement)

License Application # 700621)
706808)

FILED

SEP 04 2019

STATE OF INDIANA
DEPT. OF INSURANCE

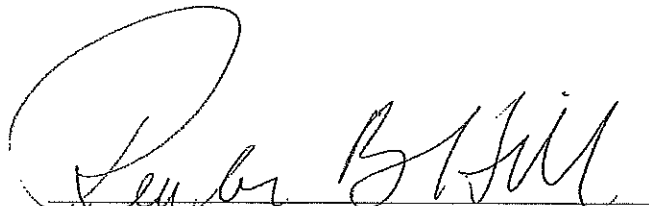
NOTICE OF FILING OF RECOMMENDED ORDER

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: _____

9/4/19



Reuben B. Hill
Administrative Law Judge

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

IN THE MATTER OF:)
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Monique Wood)
53 North Crescent Drive)
Frankfort, Indiana 46041)
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Type of Agency Action: Enforcement)
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CAUSE NO. : 18053-AD19-0422-043 ✓
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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, now renders a decision concerning the matter of Monique Wood (“Applicant”). This matter came on to be heard by the ALJ on July 12, 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, Victoria Hastings. Applicant appeared in person and by counsel, Aaron Schmoll. 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 her first application for Resident Producer License for property and casualty lines under License Number 700621 on March 4, 2019. (Hearing Transcript p. 9)
2. Applicant submitted a second application Resident Producer License for life, accident, and health lines under License Number 706808 on April 10, 2019. (Hearing Transcript p. 9)
3. Applicant disclosed having two (2) felony convictions on both of her applications for licenses. (Hearing Transcript p. 8)
4. The Commissioner issued his Preliminary Administrative Order and Notice of License Denial on May 10, 2019, and then on May 31, 2019, denying Applicant's first and second application for licenses, due to Applicant's felony criminal history. (Applicant's Exhibit C and D)
5. Subsequently, the Commissioner issued his Amended Preliminary Administrative Order and Notice of License Denial correcting the May 31, 2019, Order on June 21, 2019. (Applicant's Exhibit E)
6. The Department and Respondent by counsel, agreed to hold a combined hearing for both the Preliminary Administrative Order and Notice of License Denials for License Numbers 700621 and 706808 in one hearing since the grounds for denial, the evidence to be presented, and the parties were the same.

7. On June 9, 2014, Applicant was convicted of Possession of Cocaine, a Class D Felony. (Department's Exhibit 1)
8. On December 12, 2014, Applicant was convicted of Dealing in a Narcotic Drug, a Class B Felony. (Department's Exhibit 2)
9. Applicant testified that she was incarcerated in the Clinton County Jail for six (6) to nine (9) months, and then at the Madison Correctional Facility for two (2) to two and a half (2 ½) years as a result of these convictions. (Hearing Transcript p. 32-33)
10. Applicant testified that after serving her sentence at the Madison Correctional Facility, she was transferred to community corrections, and was there for approximately a little over a year. (Hearing Transcript p. 33)
11. Applicant testified that she was addicted to drugs, and has used Heroin, Xanax, Fentanyl, Hydrocodone, Morphine, Suboxone, and Cocaine. (Hearing Transcript p. 33-34)
12. Applicant testified that she participated in the GRIP program, which was "described as a therapeutic community, and it is a cognitive behavioral rehabilitation", while incarcerated, it was not mandatory, but it did allow her to modify her sentence and transfer early to community corrections, where she remained for one year. (Hearing Transcript p. 27, 35-36)
13. Applicant testified that she is still currently on probation for Possession of Cocaine, a Class D. Felony. (Hearing Transcript p. 21)
14. Applicant testified that she was arrested for her violation of probation for being charged with a misdemeanor in May, 2019. (Hearing Transcript p. 21, 36)

15. Applicant testified that she was charged on or around May 17, 2019, for Operating a Motor Vehicle without Financial Responsibility, a Class C Misdemeanor. (Hearing Transcript p. 37-38)
16. On May 17, 2019, Applicant was operating a motor vehicle and was pulled over by the Frankfort Police Department. Applicant was asked for proof of insurance. (Department's Exhibit 3)
17. Proof of insurance Applicant allegedly informed the police that "she did not have it [proof of insurance] with her but that the vehicle was insured". (Department's Exhibit3)
18. On or around May 21, 2019, Applicant allegedly emailed a copy of an insurance identification card from Progressive Insurance for the vehicle in question to the Clinton County Prosecutor's Office, which showed the effective date as "5/14/19" through "11/17/19". (Department's Exhibit 3)
19. On or around May 22, 2019, Progressive was contacted, and it was discovered that Applicant allegedly purchased insurance on May 17, 2019 at approximately 11:59 p.m. (Department's Exhibit 3)
20. Applicant testified that she has a previous infraction for operating a motor vehicle without financial responsibility. (Hearing Transcript p. 39-40)
21. Mr. Steven Embree testified that this case was concerning since it involved a producer applicant and it was a criminal case dealing with insurance coverage. (Hearing Transcript p. 55-56)
22. Applicant admitted twelve (12) exhibits at the hearing:
 - a. Applicant's Exhibit A is Applicant's test results from the property and casualty test for licensure.

- b. Applicant's Exhibit B is Applicant's test results from the life, health and accident test for a license.
- c. Applicant's Exhibit C is the Preliminary Administrative Order and Notice of License Denial filed on May 10, 2019.
- d. Applicant's Exhibit D is the Preliminary Administrative Order and Notice of License Denial filed on May 31, 2019.
- e. Applicant's Exhibit E is the Amended Preliminary Administrative Order and Notice of License Denial filed on June 21, 2019.
- f. Applicant's Exhibit F is Applicant's Petition for an Administrative Review Hearing filed on May 16, 2019.
- g. Applicant's Exhibit G is Applicant's Petition for an Administrative Review Hearing filed on June 11, 2019.
- h. Applicant's Exhibit H is the Amended Notice of Hearing filed on June 27, 2019.
- i. Applicant's Exhibit I is the Chronological Case Summary for Applicant's felony conviction from December 12, 2014 for Dealing in a Narcotic Drug, a Class B Felony.
- j. Applicant's Exhibit J is the Chronological Case Summary for Applicant's felony conviction from June 9, 2014 for Possession of Cocaine, a Class D Felony.
- k. Applicant's Exhibit K is the Chronological Case Summary for Applicant's pending case from May 22, 2014 for Operating a Motor Vehicle without Financial Responsibility (prior), a Class C Misdemeanor.
- l. Applicant's Exhibit L is a character reference affidavit from a colleague from Ms. Kelly A. Smith.

23. The Department admitted three (3) exhibits at the hearing:
- a. The Department's Exhibit 1 was the same as Applicant's Exhibit J, and is the Chronological Case Summary for Applicant's felony conviction from June 9, 2014 for Possession of Cocaine, a Class D. Felony.
 - b. The Department's Exhibit 2 was the same as Applicant's Exhibit I, and is the Chronological Case Summary for Applicant's felony conviction from December 12, 2014 for Dealing in a Narcotic Drug, a Class B. Felony.
 - c. The Department's Exhibit 3 is the Probable Cause Affidavit from Officer Glenn L. Wilson from Applicant's criminal prosecution in the Clinton County for Operating a Motor Vehicle without Financial Responsibility.
24. 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 27-1-15.6-12(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)(6) allows the Commissioner to deny an Insurance Producer License for having been convicted of a felony.
5. Applicant was convicted on June 9, 2014, for Possession of Cocaine, a Class D Felony, and on December 12, 2014, for Dealing in a Narcotic Drug, a Class B Felony. Both of

- these felony convictions are for serious crimes involving illegal drugs that occurred within the past five (5) years, and for which Applicant remains on felony probation.
6. Applicant faces a violation of probation for being charged with Operating a Motor Vehicle without Financial Responsibility, and it has been alleged that she forged a document in order to appear as though she had automobile insurance at the time of her traffic stop.
 7. 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 her a Resident Producer License and, therefore, bears the burden.
 8. 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 her burden of proving the Commissioner's decision was unreasonable.
 9. Findings of Fact that can be adopted as Conclusions of Law are hereby incorporated herein as such.

RECOMMENDED ORDER

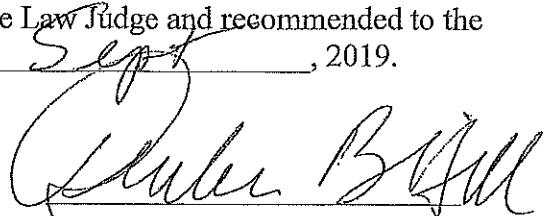
IT IS THEREFORE RECOMMENDED:

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 the Applicant's Resident Producer License for property and casualty lines under License Number 700621 shall be AFFIRMED.

2. The denial of the Applicant's Resident Producer License for life, accident, and health lines under License Number 706808 shall be **AFFIRMED**.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner of Insurance this 4th day of Sept, 2019.



Reuben B. Hill, Esq.
Administrative Law Judge

Distribution:

Monique Wood
c/o Aaron Schmoll
One American Square, Suite 2500
Indianapolis, Indiana 46282-0003

Victoria Hastings, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, Indiana 46204

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Applicant.)
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Type of Agency Action: Enforcement)
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Application ID: 700621)

FILED
MAY 16 2019
STATE OF INDIANA
DEPT. OF INSURANCE

PETITION FOR ADMINISTRATIVE REVIEW

Comes now, Monique L. Wood (“Petitioner” or “Applicant”), by counsel, and files her Petition for Administrative Review in the above-captioned proceeding, and in support of her Petition states:

1. On March 4, 2019, Applicant submitted an application for licensure with the Commissioner Stephen W. Robertson (“Commissioner”) of the Indiana Department of Insurance (“Department”).
2. On May 10, 2019, the Commissioner issued his *Preliminary Administrative Order and Notice of License Denial* (“May 10, 2019 Order”).
3. In accordance with Ind. Code § 4-21.5-3-7, Applicant is the person to whom the May 10, 2019 Order was directed.
4. In accordance with § 4-21.5-3-7, Applicant is aggrieved or adversely affected by the denial of her application for an insurance producer license under Ind. Code ch. 27-1-15.6. Allstate Insurance has given Applicant binding authority to sell insurance, but Applicant may not lawfully sell insurance in Indiana unless the Department approves her application for licensure as an insurance producer.

5. In accordance with Ind. Code § 4-21.5-3-7 and pursuant to Ind. Code § 27-1-15.6-12(d), Applicant is entitled to review of the May 10, 2019 Order. This Petition constitutes her written demand for an administrative hearing under Section 12(d).

6. The attorney representing Applicant in this proceeding is:

Aaron A. Schmoll, Atty No. 20359-49
LEWIS & KAPPES, P.C.
One American Square, Suite 2500
Indianapolis, Indiana 46282-0003
Telephone: (317) 639-1210
Facsimile: (317) 639-4882
Email: ASchmoll@lewis-kappes.com

The above named attorney is authorized to accept service of papers in this proceeding on behalf of the Applicant.

6. Pursuant to Ind. Code § 27-1-15.6-12(d), this Petition is being served upon the Commissioner.

WHEREFORE, Petitioner respectfully requests that the Commissioner, or his or the Department's designee, grant administrative review of the May 10, 2019 Order, and assign this matter to an administrative law judge for hearing under Ind. Code art. 4-21.5.

Respectfully submitted,

LEWIS & KAPPES, P.C.

/s/ Aaron A. Schmoll
Aaron A. Schmoll, #20359-49

LEWIS & KAPPES, P.C.
One American Square, Ste. 2500
Indianapolis, Indiana 46282
(317) 639-1210
(317) 639-4882 (fax)
aschmoll@lewis-kappes.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served upon the following via hand delivery, this 16th day of May, 2019:

Stephen W. Robertson, Commissioner
Indiana Department of Insurance
311 W. Washington St.
Indianapolis, IN 46204

Victoria Hastings, Attorney
Indiana Department of Insurance
311 W. Washington St.
Indianapolis, IN 46204

Steven A. Embree, Investigator
Indiana Department of Insurance
311 W. Washington St., Ste. 103
Indianapolis, IN 46204

/s/ Aaron Schmoll _____
Aaron A. Schmoll

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Type of Agency Action: Enforcement)
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Application ID: 700621)

FILED

MAY 10 2019

STATE OF INDIANA
DEPT. OF INSURANCE

PRELIMINARY ADMINISTRATIVE ORDER
AND NOTICE OF LICENSE DENIAL

The Indiana Department of Insurance (“Department”), 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 Monique L. Wood (“Applicant”) of the following Administrative Order:

1. Applicant submitted an application for licensure with the Commissioner of the Indiana Department of Insurance (“Commissioner”) on March 4, 2019.
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)(6) provides, in part, that the Commissioner may refuse to issue an insurance producer license for having been convicted of a felony.
4. Following a review of materials submitted by the Applicant and public records, the Commissioner, being fully advised, now hereby notifies Applicant that she has not fully met the requirements of licensure, as stated by Indiana Code § 27-1-15.6-12(b)(6), due to

Applicant's June 9, 2014 conviction for Possession of Cocaine, a Class D Felony, and December 10, 2014 conviction for Dealing in a Narcotic Drug, a Class B Felony.

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 Code § 27-1-15.6-12(b)(6), due to Applicant's felony criminal history.

5-10-2019
Date Signed


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Monique L. Wood
53 N. Crescent Drive
Frankfort, IN 46041

Victoria Hastings, Attorney
ATTN: Steven A. Embree, Investigator
Indiana Department of Insurance
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317 234-5883, Fax 317 234-2103