

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO: 18153-AG19-0506-066

IN THE MATTER OF:)

Lisa Varney)
800 Hammacksville Rd.,)
Trenton, KY 42286-9736)

Respondent.)

License Number: 3104281)

Type of Agency Action: Enforcement)

FILED

DEC 20 2019

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On November 1, 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 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.

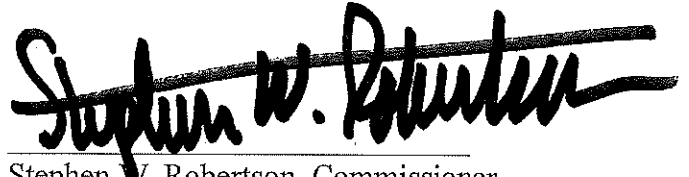
Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Respondent's nonresident producer's license #3104281 is permanently revoked.

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 20 day of December 2019.

A handwritten signature in black ink that reads "Stephen W. Robertson". The signature is written in a cursive style and is positioned above a horizontal line.

Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Lisa Varney
800 Hammacksville Rd.,
Trenton, KY 42286-9736

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

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STATE OF INDIANA
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STATEMENT OF CHARGES

The Enforcement Division of the Indiana Department of Insurance (“Department”), by counsel, Victoria Hastings, pursuant to the Indiana Administrative Orders and Procedures Act, Indiana Code § 4-21.5-1 *et seq.*, files its Statement of Charges against Lisa Varney (“Respondent”) as follows:

FACTS

1. Lisa Varney (“Respondent”) is a licensed nonresident insurance producer, holding license number 3104281, since September 15, 2015.
2. Respondent’s license is due for renewal on July 31, 2020.
3. Respondent was an employee of United Healthcare, and was terminated for cause on or around March 1, 2019.
4. A review of the National Insurance Producer Registry documents revealed that Respondent was charged with a theft of merchandise from Wal-Mart on January 8, 2018, in the State of Tennessee.

5. Respondent was convicted of Theft, a Class A Misdemeanor, and placed on probation on or around May 8, 2018.
6. Respondent failed to timely notify the Department of the criminal prosecution within thirty (30) days of the initial pretrial hearing date.
7. Respondent failed to timely notify the Oregon Department of Insurance of the criminal prosecution within thirty (30) days of the initial pretrial hearing date.
8. Respondent failed to reply to inquiries from the Oregon Department of Insurance.
9. On March 27, 2019, the Oregon Department of Insurance revoked Respondent's nonresident producer license.
10. Respondent failed to timely notify the Department of Oregon's administrative action within thirty (30) days of the final disposition of the matter.
11. A second review of the National Insurance Producer Registry documents revealed that the California Department of Insurance took action against Respondent for Respondent's criminal record, Respondent's failure to timely disclose the criminal charge, and Respondent's failure to timely disclose the Oregon revocation.
12. On June 15, 2019, the California Department of Insurance revoked Respondent's nonresident producer license.
13. Respondent failed to timely notify the Department of California's administrative action within thirty (30) days of the final disposition of the matter.
14. Respondent failed to timely report the license revocations from the Oregon Department of Insurance and the California Department of Insurance to the Washington Department of Insurance within thirty (30) days of the final disposition of those administrative actions.

15. On July 11, 2019, the Washington Department of Insurance revoked Respondent's nonresident producer license.

16. Respondent has failed to timely notify the Indiana Department of Insurance of the Oregon, California, and Washington administrative actions, which included license revocations, Respondent also failed to timely notify the Indiana Department of Insurance of her criminal prosecution.

CHARGES

COUNT I

1. Averments 1 through 16 are incorporated fully herein by reference.
2. Respondent's conduct is in violation of Indiana Code § 27-1-15.6-12(b)(2)(A), which provides, in part, that the Commissioner may revoke an insurance producer's license for violating an insurance law.
3. Indiana Code § 27-1-15.6-17(a) is an insurance law, which states in part, a producer shall report to the Commissioner any administrative action taken against the producer in another jurisdiction or by another governmental agency in Indiana not more than thirty (30) days after the final disposition of the matter.
4. Indiana Code § 27-1-15.6-17(b) is an insurance law, which states in part, a producer shall report to the Commissioner any criminal prosecution not more than thirty (30) days after the initial pretrial hearing date.

COUNT 2


1. Averments 1 through 16 are incorporated fully herein by reference.

2. Respondent's conduct is a violation of Indiana Code § 27-1-15.6-12 (b)(9), which provides, in part, that the Commissioner may revoke an insurance producer's license for having an insurance producer license, or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory.

WHEREFORE, the Enforcement Division of the Indiana Department of Insurance, by counsel, Victoria Hastings, 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 nonresident producer license;
2. Grant all other relief just and proper in the premises.

Respectfully submitted,



Victoria Hastings, #34052-29
Attorney, Enforcement Division

Victoria Hastings, attorney
Indiana Department of Insurance
Enforcement Division
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204-2787
Telephone: (317) 234-2101
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.

Lisa Varney
800 Hammacksville Rd.,
Trenton, KY 42286-9736


Victoria Hastings

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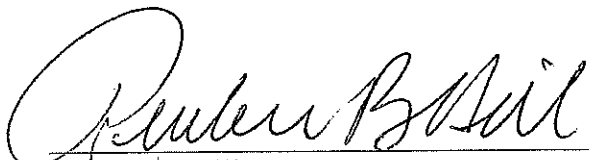
STATE OF INDIANA
DEPT. OF INSURANCE

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: 11/1/19



Reuben B. Hill
Administrative Law Judge

STATE OF INDIANA)
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BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

IN THE MATTER OF:)
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Lisa Varney)
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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 Lisa Varney (“Respondent”). This matter came on to be heard by the ALJ on September 12, 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, Victoria Hastings. 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 Default Order.

FINDINGS OF FACT

1. Respondent has been a licensed Non-Resident Insurance Producer since September 15, 2015.
2. On or around January 8, 2018, Respondent was charged with Theft of Merchandise a Class A Misdemeanor, in the State of Tennessee. (Department's Exhibit 1)
3. On May 8, 2018, Respondent pleaded guilty to the charge of Theft of Merchandise, a Class A Misdemeanor, and was convicted and placed on probation. (Department's Exhibit 1)
4. On or around October 25, 2018, Respondent submitted a renewal application for her Non-Resident Insurance Producer License with the Oregon Division of Financial Regulation ("Oregon Division"). (Department's Exhibit 2)
5. On the Oregon renewal application, Respondent informed the Oregon Division that she was convicted for Theft of Merchandise. (Department's Exhibit 2)
6. Respondent's notification of the criminal prosecution was not within the thirty (30) days of the initial pretrial hearing date as required by Oregon's statute, ORS 744.089(2) . (Department's Exhibit 2)
7. On November 28, 2018, December 6, 2018, the Oregon Division sent correspondence to Respondent, and Respondent failed to respond. (Department's Exhibit 2)
8. On March 27, 2019, the Oregon Division issued an order revoking Respondent's Non-Resident Insurance Producer License. (Department's Exhibit 2)

9. Respondent failed to timely notify the California Department of Insurance about her change in background information regarding Respondent's conviction for Theft of Merchandise. (Department's Exhibit 3)
10. Respondent failed to timely notify the California Department of Insurance about the administrative action for the State of Oregon concerning the revocation of Respondent's Non-Resident Insurance Producer License. (Department's Exhibit 3)
11. On May 16, 2019, the California Department of Insurance revoked Respondent's Non-Resident Producer License, with an effective date of June 15, 2019. (Department's Exhibit 3)
12. Respondent failed to timely notify the Washington Office of the Insurance Commissioner about her administrative action in the State of Oregon. (Department's Exhibit 4)
13. Respondent failed to respond to communication from the Washington Office of the Insurance Commissioner. (Department's Exhibit 4)
14. On or about June 6, 2019, the Washington Office of the Insurance Commissioner revoked Respondent's Non-Resident Producer License, with an effective date of July 11, 2019. (Department's Exhibit 4)
15. The Department opened its investigation into Respondent after it received notice from a regulatory information retrieval system showing Respondent was involved in administrative actions and a criminal prosecution. (Hearing Transcript, p. 11)
16. Respondent failed to notify the Department about her criminal prosecution. (Hearing Transcript, p. 14)
17. Respondent failed to notify the Department about Respondent's administrative actions in the state of Oregon, California, and Washington. (Hearing Transcript, p. 19-20)

18. The Department filed its Statement of Charges and request for hearing on August 22, 2019.
19. Respondent was notified of the hearing via USPS Certified Mail to Respondent's address of record. (Hearing Transcript, p. 12)
20. The Department attempted to contact and notify Respondent via email to Respondent's email address; however, the email "bounced back" stating it was not deliverable. (Hearing Transcript, p. 11)
21. The Department attempted to contact and notify Respondent via her personal phone number; however, it would say it "could not be connected as dialed". (Hearing Transcript, p. 11-12)
22. Respondent did not provide a valid phone number at which she could be reached or otherwise appear for the hearing. (Hearing Transcript, p. 11-12)
23. A Default Hearing was held.
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) authorizes the Commissioner to permanently revoke an Insurance Producer License, due to a number factors.

4. Indiana Code 27-1-15.6-12(b)(2)(A) authorizes the Commissioner to permanently revoke an Insurance Producer License for violating an insurance law.
5. Indiana Code 27-1-15.6-17(a) is an insurance law that states, in part, that a producer shall report to the Commissioner any administrative action taken against the producer in another jurisdiction or by another governmental agency in Indiana not more than thirty (30) days after the final disposition of the matter.
6. Indiana Code 27-1-15.6-17(b) is an insurance law that states, in part, that a producer shall report to the Commissioner any criminal prosecution not more than thirty (30) days after the initial pretrial hearing date.
7. Indiana Code 27-1-15.6-12(b)(9) authorizes the Commissioner to permanently revoke an Insurance Producer License for having an Insurance Producer License, or its equivalent, denied, suspended, or revoked in any other state.
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. The Department is requesting that the Commissioner revoke Respondent's Non-Resident Producer License.
9. The Department has et it burden of showing Respondent violated Indiana Codes 27-1-15.6-12(b)(2)(A), 27-1-15.6-17(a), 27-1-15.6-17(b), and 27-1-15.6-12(b)(9), and that Respondent's Non-Resident Producer License should be revoked.
10. Indiana Code 4-21.5-3-24 states, in part, that if a part 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 grounds relied upon.

11. 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 Non-Resident Producer License #3104281 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 1st day of November, 2019.



Reuben B. Hill, Esq.
Administrative Law Judge

Distribution:

Lisa Varney
800 Hammacksville Rd.
Trenton, Kentucky 42286-9736

Victoria Hastings, Attorney
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Indianapolis, Indiana 46204

