

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 18626-AD19-0930-102

IN THE MATTER OF:)

Precious Monique Otis)
9730 Baird Rd., Apt. 4110,)
Shreveport, LA 71118)

Applicant.)

License Application # 733920)

Type of Agency Action: Enforcement)

FILED

FEB 28 2020

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On December 31, 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. Denial of Applicant's nonresident producer license under license number 733920 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

28

day of

February

2020.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Precious Monique Otis
9730 Baird Rd., Apt. 4110,
Shreveport, LA 71118

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

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 18626-AD19-0930-102

IN THE MATTER OF:

Precious Monique Otis
9730 Baird Rd., Apt. 4110
Shreveport, LA 7118

Applicant.

Type of Agency Action: Enforcement

License Application Number: 733920

FILED

DEC 31 2019

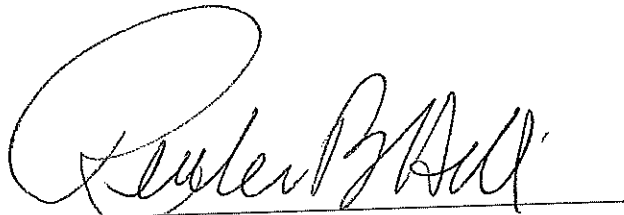
STATE OF INDIANA
DEPT. OF INSURANCE

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: 12/31/19



Reuben B. Hill
Administrative Law Judge

STATE OF INDIANA)
)
COUNTY OF MARION)

SS:

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

IN THE MATTER OF:)

Precious Monique Otis)
9730 Baird Rd., Apt. 4110)
Shreveport, LA 71118)

Applicant.)

Type of Agency Action: Enforcement)

License Application # 733920)

CAUSE NO.: 18626-AD19-0930-102

**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 Precious Monique Otis ("Applicant"). This matter came on to be heard by the ALJ on November 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. Applicant appeared electronically 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 her application for Non-Resident Producer License on September 6, 2019.
2. Applicant answered “yes” to the application question that asks, “Have you ever been convicted of a misdemeanor?” (Department’s Exhibit 1)
3. Applicant answered “no” to the application question that asks, “Have you ever been involved in an administrative proceeding?” (Department’s Exhibit 1)
4. The Commissioner entered his Preliminary Administrative Order and Notice of License Denial on October 11, 2019, denying Applicant’s application for license, due to Applicant’s criminal history, administrative action, and Applicant’s failure to disclose the administrative action.
5. On or around September 5, 2008, Applicant pleaded guilty to Theft, a Misdemeanor, in the State of Louisiana. (Department’s Exhibit 2)
6. On or around November 24, 2008, Applicant pleaded guilty to Theft, a Misdemeanor, in the State of Louisiana. (Department’s Exhibit 2)
7. Applicant testified that because she disclosed her criminal history including the two (2) convictions for Theft, that those convictions should not be held against her. (Hearing Transcript, p. 43)
8. Applicant testified that she did not believe her criminal history should be an issue and should be disregarded. (Hearing Transcript, p. 43)

9. Applicant failed to disclose the administrative action from the California Department of Insurance. (Hearing Transcript, p. 25)
10. The California Department of Insurance issued a Statement of Issues to Applicant due to concerns regarding Applicant's criminal history. (Department's Exhibit 2)
11. Applicant testified that the California Department of Insurance issued her a probationary license due to her criminal history. (Hearing Transcript, p. 14)
12. Applicant testified that she did not believe the California administrative action was an administrative action. (Hearing Transcript, p. 18)
13. Applicant also testified that she believed the process of obtaining a probationary license from the California Department of Insurance was an administrative proceeding. (Hearing Transcript, p. 15)
14. Applicant did not admit any exhibits at the hearing.
15. The Department admitted two (2) exhibits at the hearing. The Department's Exhibit 1 was Applicant's Indiana Non-Resident Producer Application from the National Insurance Producer Registry, dated September 6, 2019. The Department's Exhibit 2 was Applicant's Statement of Issues from the California Department of Insurance.
16. 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 deny to issue an Insurance Producer License, due to a number of factors:
4. Indiana Code 27-1-15.6(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. 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.
6. Applicant pleaded guilty on or around September 5, 2008, to Theft, a Misdemeanor in the State of Louisiana. Applicant pleaded guilty on or around November 24, 2008 to Theft, a Misdemeanor, in the State of Louisiana. The California Department of Insurance issued Applicant a Probationary License due to Applicant's criminal history, and Applicant failed to disclose same on her application for license.
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 Non-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

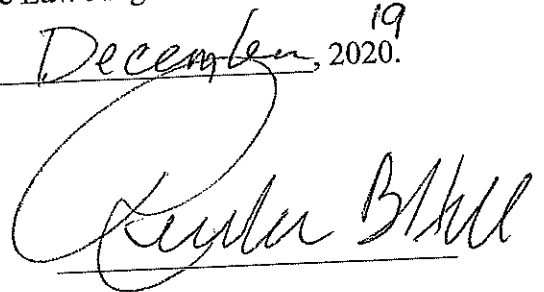
IT IS THEREFORE RECOMMENDED:

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 Non-Resident Producer License under License Number 733920 shall be **AFFIRMED**.

2.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner of Insurance this 31st day of December, 2020.¹⁹

A handwritten signature in cursive script, appearing to read "Reuben B. Hill", written over a horizontal line.

Reuben B. Hill, Esq.
Administrative Law Judge

Distribution:

Precious Monique Otis
9730 Baird Rd., Apt. 4110
Shreveport, LA 71118

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

STATE OF INDIANA
COUNTY OF MARION

)
) SS:
)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 18626-AD19-0930-102

IN THE MATTER OF:

Precious Monique Otis
9730 Baird Rd., Apt. 4110,
Shreveport, LA 71118

Applicant.

License Application # 733920

Type of Agency Action: Enforcement

FILED

DEC 11 2019

STATE OF INDIANA
DEPT. OF INSURANCE

**PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW
AND RECOMMENDED ORDER**

Administrative Law Judge ("ALJ") Reuben Hill, having considered and reviewed all of the evidence, will now render a decision in the matter of Precious Monique Otis ("Applicant"). This matter came to be heard by the ALJ on November 12, 2019, at 11:00 a.m. at the Indiana Department of Insurance, 311 West Washington Street, Indianapolis, Indiana.

The Enforcement Division of the Indiana Department of Insurance ("Department") was represented by counsel, Victoria Hastings. Applicant appeared telephonically 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 her application for nonresident producer licensure on September 6, 2019. (Department's Exhibit 1)

2. Applicant answered "yes" to the application question that asks "Have you ever been convicted of a misdemeanor?" (Department's Exhibit 1)
3. Applicant answered "no" to the application question that asks "Have you ever been involved in an administrative proceeding?" (Department's Exhibit 1)
4. The Commissioner entered his Preliminary Administrative Order and Notice of License Denial on October 11, 2019, denying Applicant's application for licensure, due to Applicant's criminal history, administrative action, and Applicant's failure to disclose the administrative action.
5. On or around September 5, 2008, Applicant pled guilty to Theft, a Misdemeanor, in the State of Louisiana. (Department's Exhibit 2)
6. On or around November 24, 2008, Applicant pled guilty to Theft, a Misdemeanor, in the State of Louisiana. (Department's Exhibit 2)
7. Applicant testified that because she disclosed her criminal history including the two convictions for Theft, that those convictions should not be held against her. (Hearing Transcript, p. 43)
8. Applicant testified that she did not believe her criminal history should be an issue and should be disregarded. (Hearing Transcript, p. 43)
9. Applicant failed to disclose the administrative action from the California Department of Insurance. (Hearing Transcript, p. 25)
10. The California Department of Insurance issued a Statement of Issues to Applicant due to concerns regarding Applicant's criminal history. (Department's Exhibit 2)
11. Applicant testified that the California Department of Insurance issued her a probationary license due to her criminal history. (Hearing Transcript, p. 14)

12. Applicant testified that she did not believe the California administrative action was an administrative action. (Hearing Transcript, p. 18)

13. However, Applicant also testified that she believed the process of obtaining a probationary license from the California Department of Insurance was an administrative proceeding. (Hearing Transcript, p. 15)

14. Applicant did not admit any exhibits at the hearing.

15. The Department admitted two (2) exhibits at the hearing. The Department's Exhibit 1 was Applicant's Indiana nonresident producer application from the National Insurance Producer Registry, dated September 6, 2019. The Department's Exhibit 2 was Applicant's Statement of Issues from the California Department of Insurance.

16. 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 deny to issue an insurance producer license, due to a number of factors.

4. Indiana Code § 27-1-15.6-12(b)(1) allows the Commissioner to deny an insurance producer's license for providing incorrect, misleading, incomplete, or materially untrue information in a license application.

5. Indiana Code § 27-1-15.6-12(b)(8) allows the Commissioner to deny 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.

6. Applicant pled guilty on or around September 5, 2008, to Theft, a Misdemeanor, in the State of Louisiana. Subsequently, Applicant pled guilty on or around November 24, 2008, Applicant pled guilty to Theft, a Misdemeanor, in the State of Louisiana. The California Department of Insurance issued Applicant a probationary license due to Applicant's criminal history, and Applicant failed to disclose same on her application for licensure.

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. Here, Applicant is requesting that the Department issue her a nonresident 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

With the Findings of Fact and the Conclusions of Law as stated, the Administrative Law Judge now recommends to the Commissioner the following:

1. The denial of the Applicant's nonresident producer license under license number 733920 shall be AFFIRMED.

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

Reuben Hill
Administrative Law Judge

Distribution:

Precious Monique Otis
9730 Baird Rd., Apt. 4110,
Shreveport, LA 71118

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

STATE OF INDIANA)
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 18626-AD19-0930-102

IN THE MATTER OF:)

Precious Monique Otis)
9730 Baird Rd., Apt. 4110,)
Shreveport, LA 71118)

Respondent.)

Type of Agency Action: Enforcement)

Application ID: 733920)

FILED

NOV 01 2019

STATE OF INDIANA
DEPT. OF INSURANCE

NOTICE OF HEARING

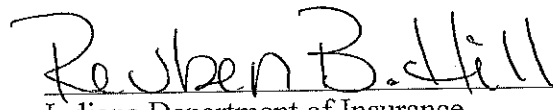
Notice is hereby given, pursuant to Indiana Code § 4-21.5-3 *et seq.*, that an evidentiary hearing will be held on Nov. 12, 2019, at 11:00 (A.M./P.M.) Eastern Time at 311 West Washington Street, Suite 103, Indianapolis, Indiana 46204-2787, to determine whether to grant Respondent's request for approval of her 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 regarding agent licensing 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 October 11, 2019.

The Indiana Department of Insurance asserts that Respondent has violated Indiana Codes §§ 27-1-15.6-12 (b)(1) and § 27-1-15.6-12 (b)(8), by Applicant's failure to disclose an administrative action on her application for licensure and for Applicant's criminal history, involving a misdemeanor conviction of Theft in the State of Louisiana.

In accordance with Indiana Code § 4-21.5-3 *et seq.*, the Administrative Law Judge in this matter is:

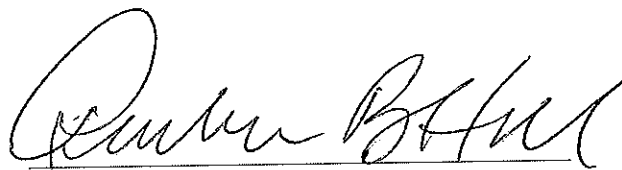

Indiana Department of Insurance
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204-2787
Telephone: (317) 232-2387

The Department of Insurance will be represented by its counsel, Victoria Hastings, who can be reached at:

Indiana Department of Insurance
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204-2787
Telephone: (317) 234-2101

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: 


Administrative Law Judge
Indiana Department of Insurance

This Notice has been sent to:

Victoria Hastings, Attorney
ATTN: Melissa Higgins, Sr. Insurance Investigator
Indiana Department of Insurance
Enforcement Division
311 West Washington St., Suite 103
Indianapolis, IN 46204-2787

Precious Monique Otis
9730 Baird Rd., Apt. 4110,
Shreveport, LA 71118

STATE OF INDIANA)
) SS:
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BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 18626-AD19-0930-102

IN THE MATTER OF:)

Precious Monique Otis)
9730 Baird Rd., Apt. 4110,)
Shreveport, LA 71118)

Applicant.)

Type of Agency Action: Enforcement)

Application ID: 733920)

FILED

OCT 11 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 Precious Monique Otis ("Applicant") of the following Administrative Order:

1. Applicant submitted an application for nonresident producer licensure with the Commissioner of the Indiana Department of Insurance ("Commissioner") on September 6, 2019.
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 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)(8) provides, in part, that the Commissioner may refuse to issue 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.
5. Following a review of public records and the materials submitted by the Applicant in support of her application, 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)(1) and 27-1-15.6-12(b)(8), due to Applicant's conviction from September 5, 2008, for Theft, a Misdemeanor, in the State of Louisiana, Applicant's conviction from November 24, 2008, for Theft, a Misdemeanor, in the State of Louisiana, and for Applicant's failure to disclose an administrative action from August 21, 2019 by the State of California due to her criminal history on her 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 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 Codes §§ 27-1-15.6-12(b)(1) and 27-1-15.6-12(b)(8) due to Applicant's

two misdemeanor convictions for Theft, and for Applicant's failure to disclose having an administrative action on her application for licensure. Applicant may reapply for licensure not less than one (1) year from the date of this order.

10-6-2019

Date Signed



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution to:

Precious Monique Otis
9730 Baird Rd., Apt. 4110,
Shreveport, LA 71118

Victoria Hastings, Attorney
ATTN: Melissa Higgins, Investigator
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204
317 234-8687, fax 317 234-2103