

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO: 17985-AG19-0812-111

IN THE MATTER OF: )  
 )  
Amber Dawn Custis )  
623 W Central Ave., )  
Brazil, IN 47834 )  
Respondent. )  
Type of Agency Action: Enforcement )  
License Number: 3256544 )

**FILED**

**JUN 12 2020**

STATE OF INDIANA  
DEPT. OF INSURANCE

**ADMINISTRATIVE ORDER AND  
NOTICE OF NONRENEWAL OF LICENSE**

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 Amber Dawn Custis (“Respondent”) of the following Administrative Order:

1. Respondent is a licensed resident insurance producer holding license number 3256544 (“Respondent’s license”) since July 17, 2017.
2. Respondent’s license will expire on May 31, 2020.
3. On January 31, 2019, the Department received a complaint against Respondent from Allstate Insurance Company (Complainant) advising that Respondent was terminated for cause on January 9, 2019.
4. The Complainant states that on or about January 9, 2019, Exclusive Agent (EA) John Harvester reported to the company that he terminated license support staff, Respondent, for allegedly using a customer’s bank account to make a personal car loan payment and

transferred funds from the customer's account into her own account. There were eleven unauthorized debits totaling \$9879.00.

5. On February 28, 2019, Respondent was charged in Vigo Superior Court with the following charges: two (2) counts of Fraud on a Financial Institution, a Level 5 Felony; two (2) counts of Forgery, a Level 6 Felony; and two (2) counts of Theft, a Level 6 Felony.
6. Respondent's initial hearing for these criminal charges was held on March 4, 2019.
7. Respondent failed to report these charges to the Department within thirty days from her initial hearing in the criminal matter.
8. Indiana Code § 27-1-15.6-12(b)(2)(A) states, in part, that the Commissioner may refuse to issue or renew an insurance producer license for violating an insurance law.
9. Indiana Code § 27-1-15.6-17(b), is an insurance law, that states not more than thirty (30) days after an initial pretrial hearing date, a producer shall report to the Commissioner any criminal prosecution of the producer initiated in any jurisdiction.
10. Indiana Code § 27-1-15.6-12(b)(8) states, in part, that the Commissioner may refuse to renew 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.
11. Indiana Code § 27-1-15.6-12(b)(4) states, in part, that the Commissioner may refuse to renew an insurance producer's license for improperly withholding, misappropriating, or converting any monies or properties received in the course of doing insurance business.

12. Indiana Code § 27-1-15.6-12(d) provides that when the Commissioner refuses to renew a license, the Commissioner shall notify the Respondent, in writing, of the reasons for the nonrenewal. This Order serves as that notice.
13. The Commissioner further notifies Respondent that, pursuant to Indiana Code § 27-1-15.6-12(d), Respondent may, within sixty-three (63) days of the mailing of this Order, make a written demand upon the Commissioner for a hearing to determine the reasonableness of this action. Such a hearing shall be held within thirty (30) days from the date of receipt of Respondent's written demand.

WHEREFORE, based on the foregoing, the Commissioner of Insurance hereby notifies Respondent that **Respondent's license shall not be renewed** due to Respondent's conduct in using a customer's bank account information for making personal purchases, and for Respondent failing to timely notify the Department about her criminal charges.

6-12-2020

Date Signed



Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

Amber Dawn Custis  
623 West Central Ave.,  
Brazil, IN 47834

Victoria Hastings, Attorney  
ATTN: Phil Holleman, Sr. Investigator  
Indiana Department of Insurance  
311 W Washington St., Suite 103  
Indianapolis, IN 46204-2787

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CAUSE NO.: 17985-AG19-0812-111

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Respondent. )

Type of Agency Action: Enforcement )

Producer's License: 3256544 )

FILED

FEB 21 2020

STATE OF INDIANA  
DEPT. OF INSURANCE

**MOTION FOR RENEWAL OF EMERGENCY SUSPENSION**

The Enforcement Division of the Indiana Department of Insurance ("Enforcement Division"), pursuant to Indiana Code § 4-21.5-4, files its petition for renewal of emergency suspension against agent Amber Dawn Custis ("Respondent"), and states:

1. Respondent is a resident insurance producer holding license number 3246544 since July 17, 2017.
2. On April 1, 2019, Respondent sent in copy of her marriage license to the Indiana Department of Insurance to request a name change from Amber Dawn Bartley to Amber Dawn Custis.
3. Respondent's license expires on May 31, 2020.
4. On January 31, 2019, the Enforcement Division received a complaint ("Complaint") against Respondent from Allstate Insurance Company advising that agent Amber Dawn Bartley was terminated for cause on January 9, 2019.

5. The Complaint states that on or about January 9, 2019, Exclusive Agent (EA) John Harvester reported to the company that he terminated license support staff Amber Dawn Bartley for allegedly using a customer's bank account to make a personal car loan payment.

6. On or about February 28, 2019, Respondent was charged with two counts of Fraud on a Financial Institution, a Level 5 Felony, two counts of Forgery, a Level 6 Felony, and two counts of Theft, a Level 6 Felony.

7. Respondent's initial hearing for these charges was March 4, 2019.

8. Respondent did not report these charges to the Department.

9. The Department has serious consumer protection concerns regarding Respondent's competence and trustworthiness.

10. An emergency exists in that Respondent's continued selling of insurance in the state of Indiana with a valid license places her in a position of trust with Indiana consumers and in control of Indiana consumers' financial circumstances.

11. Indiana Code § 27-1-15.6-12(b)(2)(A) authorizes the Commissioner to suspend an insurance producer's license for violating an insurance law.

12. Indiana Code § 27-1-15.6-17(b), is an insurance law, that states not more than thirty (30) days after an initial pretrial hearing date, a producer shall report to the Commissioner any criminal prosecution of the producer initiated in any jurisdiction.

13. Indiana Code § 27-1-15.6-12(b)(8) authorizes the Commissioner to suspend 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.

14. Indiana Code § 27-1-15.6-12(b)(4) authorizes the Commissioner to suspend an insurance producer's license for improperly withholding, misappropriating, or converting any monies or properties received in the course of doing insurance business.

15. Under Indiana Code § 4-21.5-4-2(a)(1), the Commissioner may, in an emergency, issue orders without notice or an evidentiary proceeding. However, Indiana Code § 4-21.5-4-4 provides that upon issuance of an emergency order, the Respondent may request a hearing as quickly as practicable.

16. Indiana Code § 4-21.5-4-5(b) provides that the Commissioner during the pendency of any related proceedings under IC 4-21.5-3, the agency responsible for the proceeding may renew the order for a successive ninety (90) day period.

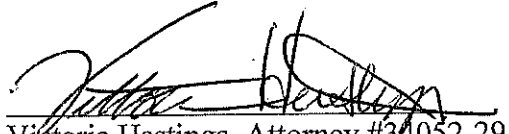
17. Respondent should be required to cease practice as an insurance agent until the Department can be sure that Respondent can practice competently and in an ethically responsible manner.

18. The Enforcement Division filed for a Motion for Emergency Suspension against Respondent on November 7, 2019.

19. The Commissioner issued his Findings of Fact and Conclusions of Law, and Emergency Order on November 7, 2019, wherein Respondent's resident producer license was immediately suspended for ninety (90) days.


20. The Finding of Fact and Conclusions of Law, and Emergency Order issued on November 7, 2019, expired on February 5, 2020.

WHEREFORE, the Enforcement Division requests that the Department issue a renewal order suspending the insurance license of Amber Dawn Curtis under Indiana Codes §§ 4-21.5-4-2 and 4-21.5-4-5(b) and for all other necessary and proper relief.

  
Victoria Hastings, Attorney #34052-29  
Indiana Department of Insurance  
Enforcement Division  
311 West Washington Street  
Indianapolis, IN 46204

**Certificate of Service**

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

  
Victoria Hastings #34052-29

Enforcement Division  
Indiana Department of Insurance  
311 W Washington St, Suite 103,  
Indianapolis, IN 46234

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Respondent. )  
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Type of Agency Action: Enforcement )  
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Producer's License: 3256544 )

**FILED**  
**FEB 21 2020**  
STATE OF INDIANA  
DEPT. OF INSURANCE

**FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND RENEWAL OF EMERGENCY ORDER**

The Commissioner of the Indiana Department of Insurance ("Commissioner"), being duly advised, now issues the following Findings of Fact, Conclusions of Law, and Renewal of Emergency Order:

**Findings of Fact**

1. Amber Dawn Custis ("Respondent") is a licensed resident insurance producer, holding license number 3256544 since July 17, 2017.
2. On January 31, 2019 the Enforcement Division received a complaint ("Complaint") against Respondent from Allstate Insurance Company.
3. The Complaint states that on or about January 9, 2019, Respondent was terminated for cause due to fraud allegations.
4. The Complaint states that on or about January 9, 2019, Exclusive Agent (EA) John Harvester reported to the company that he terminated license support staff Amber Dawn Bartley for allegedly using a customer's bank account to make a personal car loan payment.



5. On or about February 28, 2019, Respondent was charged with two counts of Fraud on a Financial Institution, a Level 5 Felony, two counts of Forgery, a Level 6 Felony, and two counts of Theft, a Level 6 Felony.

6. Respondent's initial hearing for these charges was March 4, 2019.

7. Respondent did not report these charges to the Department.

8. The Enforcement Division filed a Motion for Emergency Suspension against Respondent on November 7, 2019.

9. A Findings of Fact and Conclusions of Law, and Emergency Order was issued on November 7, 2019, wherein Respondent's resident producer license was immediately suspended for ninety (90) days, and expired on February 5, 2020.

#### **Conclusions of Law**

1. An emergency exists such that an emergency order is appropriate under Indiana Code § 4-21.5-4-1, in that Respondent's continued selling of insurance in the state of Indiana with a valid license places her in a position of trust with Indiana consumers and in control of Indiana consumers' financial circumstances.

2. Indiana Code § 27-1-15.6-12(b)(2)(A) authorizes the Commissioner to suspend an insurance producer's license for violating an insurance law.

3. Indiana Code § 27-1-15.6-17(b) is an insurance law, which states that not more than thirty (30) days after an initial pretrial hearing date, a producer shall report to the Commissioner any criminal prosecution of the producer initiated in any jurisdiction.

4. Indiana Code § 27-1-15.6-12(b)(8) authorizes the Commissioner to suspend 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. Indiana Code § 27-1-15.6-12(b)(4) authorizes the Commissioner to suspend an insurance producer's license for improperly withholding, misappropriating, or converting any monies or properties received in the course of doing insurance business.

6. Indiana Code § 4-21.5-4-5(b) provides that the Commissioner, during the pendency of any related proceedings under Indiana Code § 4-21.5-3, the agency responsible for the proceeding may renew the order for a successive ninety (90) day period.

7. Respondent has pending criminal charges for two counts of Fraud on a Financial Institution, a Level 5 Felony, two counts of Forgery, a Level 6 Felony, and two counts of Theft, a Level 6 Felony.

8. Respondent has allegedly misappropriated approximately nine thousand eight hundred (\$9,800) dollars of consumer funds for her personal use.

9. This Emergency Order is issued pursuant to Indiana Codes §§ 4-21.5-4-2(a)(1) and 4-21.5-4-5(b).


### **ORDER**

With the Findings of Fact and Conclusions of Law as stated above, the Commissioner now orders:

1. Amber Dawn Custis' Indiana Resident Producer License # 3256544 is hereby immediately suspended for ninety (90) days, renewable as necessary per Indiana Code § 4-21.5-4-5.

Under Ind. Code § 4-21.5-4-3, this Emergency Order is effective when issued. **Respondent has the right to request a hearing on this Emergency Order by filing a request for a hearing with the Department**, and if requested, an evidentiary hearing will be set on the matter as soon as practicable.

2-21-2020  
Dated

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution to:

Amber Dawn Custis  
623 West Central Ave.,  
Brazil, IN 47834

Victoria Hastings, Attorney  
ATTN: Phil Holleman, Sr. Investigator  
Enforcement Division  
Indiana Department of Insurance  
311 W. Washington St, Ste 103  
Indianapolis, IN 46204

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Respondent. )

Type of Agency Action: Enforcement )

Producer's License: 3256544 )

**FILED**

NOV 07 2019

STATE OF INDIANA  
DEPT. OF INSURANCE

**MOTION FOR EMERGENCY SUSPENSION**

The Enforcement Division of the Indiana Department of Insurance ("Enforcement Division"), pursuant to Indiana Code § 4-21.5-4, files its petition for emergency suspension against agent Amber Dawn Custis ("Respondent"), and states:

1. Respondent is a resident insurance producer holding license number 3246544 since July 17, 2017.
2. On April 1, 2019, Respondent sent in copy of her marriage license to the Indiana Department of Insurance to request a name change from Amber Dawn Bartley to Amber Dawn Custis.
3. Respondent's license expires on May 31, 2020.
4. On January 31, 2019, the Enforcement Division received a complaint ("Complainant") against Respondent from Allstate Insurance Company advising that Respondent was terminated for cause on January 9, 2019.

5. The Complainant states that on or about January 9, 2019, Exclusive Agent (EA) John Harvester reported to the company that he terminated license support staff, Respondent, for allegedly using a customer's bank account to make a personal car loan payment.

6. On or about February 28, 2019, Respondent was charged with two counts of Fraud on a Financial Institution, a Level 5 Felony, two counts of Forgery, a Level 6 Felony, and two counts of Theft, a Level 6 Felony.

7. Respondent's initial hearing for these charges was March 4, 2019.

8. Respondent did not report these charges to the Department.

9. The Department has serious consumer protection concerns regarding Respondent's competence and trustworthiness.

10. An emergency exists in that Respondent's continued selling of insurance in the state of Indiana with a valid license places her in a position of trust with Indiana consumers and in control of Indiana consumers' financial circumstances.

11. Indiana Code § 27-1-15.6-12(b)(2)(A) authorizes the Commissioner to suspend an insurance producer's license for violating an insurance law.

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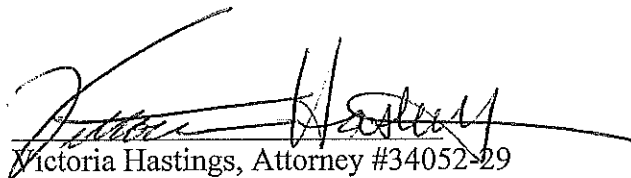
13. Indiana Code § 27-1-15.6-12(b)(8) authorizes the Commissioner to suspend an insurance producer's license for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.

14. Indiana Code § 27-1-15.6-12(b)(4) authorizes the Commissioner to suspend an insurance producer's license for improperly withholding, misappropriating, or converting any monies or properties received in the course of doing insurance business.

15. Under Indiana Code § 4-21.5-4-2(a)(1), the Commissioner may, in an emergency, issue orders without notice or an evidentiary proceeding. However, Indiana Code § 4-21.5-4-4 provides that upon issuance of an emergency order, the Respondent may request a hearing as quickly as practicable.

16. Respondent should be required to cease practice as an insurance agent until the Department can be sure that Respondent can practice competently and in an ethically responsible manner.

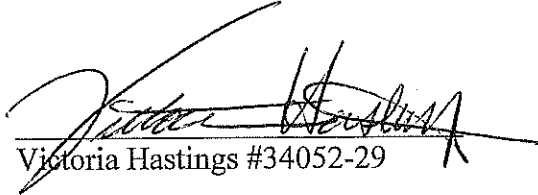
WHEREFORE, the Enforcement Division requests that the Department issue an order suspending the insurance license of Amber Dawn Custis under Indiana Code § 4-21.5-4-2, and for all other necessary and proper relief.



Victoria Hastings, Attorney #34052-29  
Indiana Department of Insurance  
Enforcement Division  
311 West Washington Street  
Indianapolis, IN 46204

Certificate of Service

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

  
Victoria Hastings #34052-29

Enforcement Division  
Indiana Department of Insurance  
311 W Washington St, Ste. 103  
Indianapolis, IN 46234

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**STATE OF INDIANA  
DEPT. OF INSURANCE**

**FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND EMERGENCY ORDER**

The Commissioner of the Indiana Department of Insurance ("Commissioner"), being duly advised, now issues the following Findings of Fact, Conclusions of Law, and Emergency Order:

**Findings of Fact**

1. Amber Dawn Custis ("Respondent") is a licensed resident insurance producer, holding license number 3256544 since July 17, 2017.
2. On January 31, 2019 the Enforcement Division received a complaint ("Complainant") against Respondent from Allstate Insurance Company.
3. The Complainant states that on or about January 9, 2019, Respondent was terminated for cause due to fraud allegations.
4. The Complainant states that on or about January 9, 2019, Exclusive Agent (EA) John Harvester reported to the company that he terminated license support staff, Respondent, for allegedly using a customer's bank account to make a personal car loan payment.



5. On or about February 28, 2019, Respondent was charged with two counts of Fraud on a Financial Institution, a Level 5 Felony, two counts of Forgery, a Level 6 Felony, and two counts of Theft, a Level 6 Felony.

6. Respondent's initial hearing for these charges was March 4, 2019.

7. Respondent did not report these charges to the Department.

### Conclusions of Law

1. An emergency exists such that an emergency order is appropriate under Indiana Code § 4-21.5-4-1, in that Respondent's continued selling of insurance in the state of Indiana with a valid license places her in a position of trust with Indiana consumers and in control of Indiana consumers' financial circumstances.

2. Indiana Code § 27-1-15.6-12(b)(2)(A) authorizes the Commissioner to suspend an insurance producer's license for violating an insurance law.

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5. Indiana Code § 27-1-15.6-12(b)(4) authorizes the Commissioner to suspend an insurance producer's license for improperly withholding, misappropriating, or converting any monies or properties received in the course of doing insurance business.

6. Respondent has pending criminal charges for two counts of Fraud on a Financial Institution, a Level 5 Felony, two counts of Forgery, a Level 6 Felony, and two counts of Theft, a Level 6 Felony.

7. Respondent has allegedly misappropriated approximately nine thousand eight hundred (\$9,800) dollars of consumer funds for her personal use.

8. This Emergency Order is issued pursuant to Indiana Code § 4-21.5-4-2(a)(1).

**ORDER**

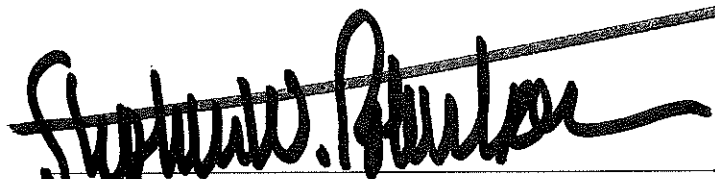
With the Findings of Fact and Conclusions of Law as stated above, the Commissioner now orders:

1. Amber Dawn Custis' Indiana Resident Producer License # 3256544 is hereby immediately suspended for ninety (90) days, renewable as necessary per Indiana Code § 4-21.5-4-5.

Under Ind. Code § 4-21.5-4-3, this Emergency Order is effective when issued. **Respondent has the right to request a hearing on this Emergency Order by filing a request for a hearing with the Department**, and if requested, an evidentiary hearing will be set on the matter as soon as practicable.

11-7-2019

Dated



Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution to:

Amber Dawn Custis  
623 West Central Ave.,  
Brazil, IN 47834

Victoria Hastings, Attorney  
ATTN: Phil Holleman, Sr. Investigator  
Enforcement Division  
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