

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 18790-AD20-0103-010

IN THE MATTER OF: )

James S. Upchurch )  
560 Ingraham Ave., )  
Calumet City, IN )

Applicant. )

Application ID: 746562 )

Type of Agency Action: Enforcement )

**FILED**

MAY 01 2020

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 § 27-1-27-7.1, hereby gives notice to James S. Upchurch ("Applicant") of the following Administrative Order:

1. Applicant filed an application for public adjuster certification with the Commissioner of the Indiana Department of Insurance ("Commissioner") on October 22, 2019.
2. Before approving an application, the Commissioner must find that the applicant has met specific requirements under Indiana Code § 27-1-27-3 and Indiana Code § 27-1-27-7.1.
3. Indiana Code § 27-1-27-7.1(b)(6) provides, in part, that the Commissioner may refuse to issue a public adjuster's certificate of authority for having been convicted of a felony.
4. Indiana Code § 27-1-27-7.1(b)(1), authorizes the Commissioner to refuse to issue 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. Following a review of public records, and a review of materials submitted by Applicant in support of his application, the Commissioner, being fully advised, now hereby notifies Applicant that he has not fully met the requirements of certification as stated by Indiana Code § 27-1-27-7.1(b)(6) due to his March 2, 2006 Colorado conviction for Bias Motivated Crime with Bodily Injury, a Class 4 Felony.
6. Following a review of public records the Commissioner, being fully advised, now hereby notifies Applicant that he has not fully met the requirements of certification as stated by Indiana Code § 27-1-27-7.1(b)(1) due to his failure to disclose his December 12, 2014 Indiana conviction for Possession of a Controlled Substance, a Class A Misdemeanor.
7. Indiana Code § 27-1-27-7.1(c) provides that the applicant may, not more than thirty (30) days after notice of denial of the application is received, 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 certification is hereby DENIED pursuant to Indiana Code § 27-1-27-7.1(b)(6), due to Applicant's felony conviction, and Indiana Code § 27-1-27-7.1(b)(6), due to Applicant's failure to disclose a misdemeanor conviction on his application for certification. Applicant may reapply for certification not less than one (1) year from the date of this order.

5-1-2020

Date Signed



Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution to:

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