

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO: 18854-AD20-0214-034

IN THE MATTER OF: )  
 )  
Sabino Garnier )  
15847 SW 141 Street, )  
Miami, FL 33196-6722 )  
 )  
Respondent. )  
 )  
Type of Agency Action: Enforcement )  
 )  
License Number: 1017334 )

FILED

APR 09 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 Sabino Garnier (“Respondent”) of the following Administrative Order:

1. Respondent is a licensed nonresident insurance producer holding license number 1017334 (“Respondent’s license”) since February 13, 2015.
2. Respondent’s license expired on October 31, 2019.
3. On November 12, 2019, the Department received a complaint against Respondent from an Indiana resident concerning insurance coverage he purchased from Respondent.
4. Respondent was accused of intentionally misrepresenting the terms of an insurance application and contract.
5. The complaint states that the consumer was told he was being sold a policy that had Medical, Dental, and Vision coverage, and that he would also receive accidental Death

and Dismemberment/life insurance with the policy. When the consumer received his policy it only had Medical coverage with limited benefits. There was no Dental or Vision coverage. Additionally, the accidental Death and Dismemberment/life insurance was a separate policy which required a separate premium.

6. On November 18, 2019, the initial complaint letter along with a request for a list of appointments was sent to Respondent.
7. On December 3, 2019, the Department received the returned letter from the Post Office stamped as “not deliverable as addressed, unable to forward”.
8. On December 3, 2019, a certified letter was sent to a second address that was located for Respondent.
9. On January 16, 2020, the certified letter was returned by the Post Office stamped, “not deliverable as addressed, unable to forward”.
10. Indiana Code § 27-1-15.6-12(b)(17) states the Commissioner may refuse to renew an insurance producer license for failing to timely inform the Commissioner of a change in legal name or address in violation of Indiana Code § 27-1-15.6-7(h).
11. Indiana Code § 27-1-15.6-7(h) states, in part, that a licensee shall inform the Commissioner of a change of address not more than thirty (30) days after the change and that failure of a licensee to timely inform the Commissioner of a change in legal address shall result in a penalty under section 12.
12. 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.

13. Indiana Code § 27-1-15.6-12(b)(5) states in part, that the Commissioner may refuse to renew an insurance producer's license for intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance.
14. 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.
15. 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 failing to update his address, and for his conduct in misrepresenting the terms of an insurance contract and application by using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.

4-9-2020  
Date Signed

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

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