

STATE OF INDIANA )  
) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 18782-AD20-0103-009

IN THE MATTER OF: )

Victor L. Nelson )  
45915 Countess Drive )  
Fort Wayne, IN 46803 )

Applicant. )

Type of Agency Action: Enforcement )

Application ID: 737058 )

**FILED**

**JUL 16 2020**

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

On May 26, 2020, 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 his 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. That Applicant's application for a Indiana Resident Producer License is Granted  
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 16 day of July, 2020.



Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Copies to:

Victor L. Nelson  
45915 Countess Drive  
Fort Wayne, IN 46803

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

STATE OF INDIANA       )  
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CAUSE NUMBER: 18782-AD20-0103-009

IN THE MATTER OF:

Victor L. Nelson  
45915 Countess Drive  
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Applicant.

License Application Number: 737058

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**FILED**

**MAY 26 2020**


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: 5-22-20

  
\_\_\_\_\_  
Reuben B. Hill  
Administrative Law Judge

STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF MARION     )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

IN THE MATTER OF:     )

Victor L. Nelson     )  
45915 Countess Drive     )  
Fort Wayne, Indiana 46803     )

Applicant.     )

License Application Number: 737058     )

Type of Agency Action: Enforcement     )

CAUSE NO.: 18782-AD20-0103-009

**FILED**

**MAY 26 2020**

STATE OF INDIANA  
DEPT. OF INSURANCE

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

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Administrative Law Judge Reuben B. Hill ("ALJ"), having heard, reviewed and considered all of the evidence, now renders a decision concerning the matter of Victor L. Nelson ("Applicant"). This matter came on to be heard by the ALJ on March 11, 2020 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 in person 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 his application for Resident Producer License on September 19, 2019. (Hearing Transcript, p. 30)
2. Applicant disclosed a felony conviction on his application for license. (Hearing Transcript, p. 31)
3. Applicant was convicted of Involuntary Manslaughter, a Class C Felony, in Allen County, Indiana. (Department's Exhibit 1)
4. Applicant testified at the hearing that he was involved in an incident or altercation in June of 1998 at a Mr. Clark's residence. (Hearing Transcript, p. 8-9)
5. Applicant testified that he was a family friend of Mr. Clark, and that Mr. Clark was a mentor to Applicant. (Hearing Transcript, p. 9-10)
6. Applicant testified he was at Mr. Clark's residence a week prior and asked him to give Applicant's ex-girlfriend at the time, some time to adjust since she will be leaving a treatment center for drugs. (Hearing Transcript, p. 9-10)
7. Applicant testified he went to Mr. Clark's that night to retrieve his car. (Hearing Transcript p. 11)
8. When Applicant arrived at Mr. Clark's house to retrieve his car, he briefly spoke to his ex-girlfriend, while Applicant was speaking with her, Applicant was struck in the back of his head by Mr. Clark. (Hearing Transcript, p. 11)

9. Applicant testified that after he was struck in the back of head by Mr. Clark, Applicant and Mr. Clark started to wrestle and hit one another on the front porch, which led to both of them falling off the front porch. (Hearing Transcript, p. 11)
10. After Mr. Clark and Applicant fell off the front porch, Applicant saw a police officer and flagged him down. (Hearing Transcript, p. 11-12)
11. Applicant sustained injuries from that incident, which required an arm sling and a leg brace. (Hearing Transcript, p. 34-35)
12. Mr. Clark was transported to the hospital unconscious. Subsequently, Mr. Clark passed away about a month after the front porch incident. (Department's Exhibit 2)
13. Applicant pleaded guilty to Involuntary Manslaughter, a Class C Felony, on or around May 24, 1999. (Department's Exhibit 4)
14. At Applicant's sentencing hearing on or around June 21, 1999, the Judge for the Allen County Superior Court noted mitigating circumstances of Applicant on Applicant's Judgment of Conviction Order. (Department's Exhibit 5)
15. Those mitigating factors included that Applicant accepted responsibility, and that the victim facilitated the offense. (Department's Exhibit 5)
16. There were no aggravating circumstances listed on Applicant's Judgment Order. (Department's Exhibit 5)
17. Applicant was ordered to four (4) years at DOC, with two (2) years executed and suspended, and the remaining two (2) years of probation. (Department's Exhibit 6)
18. Applicant's two (2) years executed was to be satisfied in home detention. (Department's Exhibit 6)

19. Applicant testified he was twenty-seven (27) years old at the time of the incident.  
(Hearing Transcript, p. 12)
20. Applicant testified about his life and who he was prior to, and after the incident that led to his conviction.
21. Applicant testified that prior to going to college and obtaining a degree in business administration, he entered the military and was deployed overseas. (Hearing Transcript, p. 12, 14)
22. Applicant was in the Army and served as an E4 and his position was later changed to an "11 mike, which is a tanker, tanker/tow missile launcher". (Hearing Transcript, p. 37)
23. Applicant testified that he served four (4) years, and was deployed post Dessert Storm to Silopi, Turkey. (Hearing Transcript, p. 37)
24. Applicant testified that he was honorably discharged on or around November 5, 1994, on a medical reason due to an explosion that took place, which burned half of his body.  
(Hearing Transcript, p. 12-13, 38)
25. Applicant testified that his military experience did shape who he was, and that in his core, he wants to make sure that the person next to him is safe. (Hearing Transcript, p. 13)
26. Applicant testified that he tries to put his best foot forward, not just for himself, but also for his community. (Hearing Transcript, p. 15)
27. Applicant testified that he is a mentor in the community and has a community outreach program called Protégé Outreach Program. (Hearing Transcript, p. 15)
28. Applicant's outreach program works with teenage boys approximately 18 to 25 years old.  
(Hearing Transcript, p. 15)
29. Applicant is now approximately forty-nine (49) years old.



30. Applicant submitted four (4) exhibits at the hearing. Applicant's Exhibits A through D were character reference letters from various individuals.

31. 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 refuse to issue an Insurance Producer License, due to a number of factors.
4. Indiana Code 27-1-15.6-12(b)(6) allows the Commissioner to deny an Insurance Producer License for having been convicted of a felony.
5. Applicant disclosed a felony conviction. Facts in mitigation include Applicant's remorseful and sincere demeanor, Applicant's service in the Army, Applicant's youth at the time the offense occurred, the age of the conviction, Applicant's demonstration of how he has turned his life around with becoming a community leader and starting a community outreach program.
6. 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 him a Resident Producer License and therefore, bears the burden.



7. Pursuant to Indiana Code 27-1-15.6-12(d), a hearing was held to determine the reasonableness of the Commissioner's decision, due to mitigating factors, Applicant should be granted a license and pay a civil penalty.
8. Findings of Fact that can be adopted as Conclusions of Law are hereby incorporated herein as such.

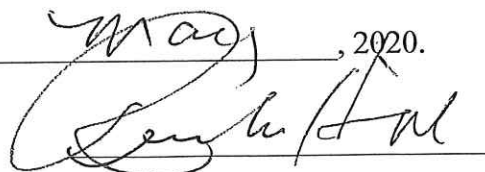
**RECOMMENDED ORDER**

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 Applicant's application for an Indiana Resident Producer License should be **GRANTED.**
2. Applicant shall pay a civil penalty in the amount of Two Hundred and Fifty Dollars (\$250.00)

**ALL OF WHICH IS ADOPTED** by the Administrative Law Judge and recommended to the Commissioner of Insurance this 22<sup>nd</sup> day of May, 2020.



Reuben B. Hill, Esq.  
Administrative Law Judge

Distribution:

Victor L. Nelson  
45915 Countess Drive  
Fort Wayne, Indiana 46803

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

STATE OF INDIANA     )  
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BEFORE THE INDIANA  
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CAUSE NO.: 18782-AD20-0103-009

IN THE MATTER OF:                     )  
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Applicant.                                )  
  )  
License Application #: 737058         )  
  )  
Type of Agency Action: Enforcement    )

**FILED**  
**JAN 16 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 § 27-1-15.6-12, hereby gives notice to Victor R. Nelson ("Applicant") of the following Administrative Order:

1. Applicant filed an application for resident producer licensure with the Commissioner of the Indiana Department of Insurance ("Commissioner") on September 19, 2019.
2. Before approving an application, the Commissioner must find that the applicant has met specific requirements under Indiana Code § 27-1-15.6-6 and Indiana Code § 27-1-15.6-12.
3. Indiana Code § 27-1-15.6-12(b)(6) provides, in part, that the Commissioner may refuse to issue an insurance producer's license for having been convicted of a felony.
4. Following a review of public records, the Commissioner, being fully advised, now hereby notifies Applicant that he has not fully met the requirements of licensure as stated by

Indiana Code § 27-1-15.6-12(b)(6) due to his June 21, 1999, conviction for Involuntary Manslaughter, a Class C Felony.

5. 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 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 Code § 27-1-15.6-12(b)(6), due to Applicant's felony conviction. Applicant may reapply for licensure not less than one (1) year from the date of this order.

1-16-2020

Date Signed



Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution to:

Victor R. Nelson  
5915 Countess Dr.,  
Fort Wayne, IN 46803

Victoria Hastings, Attorney  
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