

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 18855-AD20-0109-017

IN THE MATTER OF: )

Anthony R. Scott )  
4212 W. 59<sup>th</sup> Street )  
Indianapolis, IN 46254 )

Applicant. )

Type of Agency Action: Enforcement )

Application ID: 748020 )

**FILED**

**JUL 09 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

2 Applicant is to pay a civil penalty in the amount of Two Hundred and Fifty Dollars (\$250.00) within Thirty (30) days.

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 9 day of July, 2020.



Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Copies to:

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Indianapolis, IN 46254

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: 18855-AD20-0109-017

IN THE MATTER OF:

Anthony R. Scott  
4212 W. 59<sup>th</sup> Street  
Indianapolis, Indiana 46254

Applicant.

License Application Number: 748020

Type of Agency Action: Enforcement

**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: )

Anthony R. Scott )  
4212 W. 59<sup>th</sup> Street )  
Indianapolis, Indiana 46254 )

Applicant. )

License Application Number: 748020 )

Type of Agency Action: Enforcement )

CAUSE NO.: 18855-AD200-0109-017

**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 Anthony R. Scott ("Applicant"). This matter came on to be heard by the ALJ on March 5, 2020 at 10:00 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 October 29, 2019.  
(Department's Exhibit 1)
2. Applicant was convicted of a misdemeanor?" (Department's Exhibit 1)
3. Applicant was convicted of Possession of Marijuana, a Class A Misdemeanor, on September 22, 2014 in Clinton County, Indiana. (Department's Exhibit 2)
4. Applicant testified at the hearing that he failed to disclose the misdemeanor conviction, but that it was an unintentional nondisclosure. (Hearing Transcript, p. 30)
5. Applicant testified at the hearing that he is not computer savvy, and he had to restart the application several times, and his failure to disclose the misdemeanor conviction was likely a result of that. (Hearing Transcript, p. 30-31)
6. Applicant answered "yes" to the application question that asks, "Have you ever been convicted of a felony?" (Department's Exhibit 1)
7. Applicant's felony conviction is from January 23, 2004, and was for Distribution of Cocaine Base, Aiding and Abetting Therein a Felony, out of the United States District Court for the Northern District of Indiana. (Department's Exhibit 1)
8. Applicant testified he was twenty-eight years (28) old at the time of his arrest for the felony. (Hearing Transcript, p. 33)
9. Applicant testified he was a Non-Violent Offender. He grew up in a community where jobs were scarce and where he was "invited to a life of crime". (Hearing Transcript, p. 32)

10. Applicant is now approximately forty-five (45) years old. (Department's Exhibit 1)
11. Applicant testified he served seven (7) years in prison for his felony conviction. (Hearing Transcript, p. 33)
12. Applicant testified that he has changed his life around since he was released from prison, and that he has been working as a barber holding his professional cosmetology license for five (5) years. (Hearing Transcript, p. 44)
13. Applicant testified that "me knowing that this [felony conviction] would follow me for the rest of my life. I'm diligently showing myself and the world that change is evident. Just because a person does wrong one (1) year, doesn't mean they can't change for next year". (Hearing Transcript, p. 47)
14. Applicant testified that he is raising his daughters and trying to be an example for them in life and show that even if you do wrong in the past, you can keep going forward with your life and not let that hold you back. (Hearing Transcript, p. 47-48)
15. Applicant testified that his cousin, who is an insurance agent, told him that he should look into going into the insurance business. (Hearing Transcript, p. 22-23)
16. Applicant submitted seven (7) exhibits at the hearing. Applicant's Exhibit A was a document in a criminal matter. Applicant's Exhibit B was a document in a criminal matter. Applicant's Exhibits C through G are character reference letters from various individuals.
17. 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 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)(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)(6) allows the Commissioner to deny an Insurance Producer License for having been convicted of a felony.
6. Applicant disclosed a felony conviction and failed to disclose one (1) misdemeanor conviction on his application for licensure. Facts in mitigation include Applicant's remorseful and sincere demeanor, Applicant disclosed a felony conviction to the Department, Applicant's youth at the time the offenses occurred, the age of the convictions, and Applicant's demonstration of how he has turned his life around.
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 him a 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, due to mitigating factors, Applicant should be granted a license and pay a civil penalty.
9. Findings of Fact that can be adopted as Conclusions of Law are hereby incorporated herein as such.

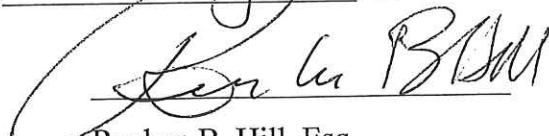
**RECOMMENDED ORDER**

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. 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:

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4212 W. 59<sup>th</sup> Street  
Indianapolis, Indiana 46254

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

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Applicant.     )

License Application #: 748020     )

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 Anthony R. Scott ("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 October 29, 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. Indiana Code § 27-1-15.6-12(b)(1) provides, in part, that the Commissioner may refuse to issue an insurance producer's license for providing incorrect, misleading, incomplete, or materially untrue information in a license application.

5. Following a review of documents 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 licensure as stated by Indiana Code § 27-1-15.6-12(b)(6) due to his May 8, 2003, federal felony conviction for Distribution of Cocaine Base, Aiding and Abetting Therein, a 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 licensure as stated by Indiana Code § 27-1-15.6-12(b)(1) due to his September 22, 2014, conviction for Possession of Marijuana, a Class A Misdemeanor.
7. 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 Codes §§ 27-1-15.6-12(b)(6) and 27-1-15.6-12(b)(1) due to Applicant's felony conviction, and his failure to disclose a misdemeanor conviction on his application for licensure. 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:

Anthony R. Scott  
4212 W. 59<sup>th</sup> St.,  
Indianapolis, IN 46254

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