

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 18868-AG20-0102-001

IN THE MATTER OF:)

Mark J. Coddington)
1936 Cunningham Rd.)
Indianapolis, IN)

Respondent.)

License Application #: 673052)

License No.: 751800)

Type of Agency Action: Enforcement)

FILED

AUG 04 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. Respondent filed a timely objection on June 8, 2020 regarding the Administrative Law Judge's Findings of Fact, Conclusions of Law and Recommended Order.

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. Denial of Respondent's request to add a new line of authority to existing Resident Producer License under License Application Number 673052 is AFFIRMED.
2. Non-Renewal of Respondent's Resident Producer License under License Number 751800 is AFFIRMED.

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 4 day of August, 2020.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Mark J. Coddington
1936 Cunningham Rd.
Indianapolis, IN 46224

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: 18868-AD20-0102-001
18868-AG20-0102-001

IN THE MATTER OF:

Mark J. Coddington
1936 Cunningham Rd.
Indianapolis, Indiana 46224

Respondent.

License Application Number: 673052

License Number: 751800

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: 5-20-20



Reuben B. Hill
Administrative Law Judge

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

IN THE MATTER OF:)

Mark J. Coddington)
1936 Cunningham Rd.)
Indianapolis, Indiana 46224)

Respondent.)

CAUSE NO.: 18868-AD20-0102-001
18868-AG20-0102-001

License Application Number: 673052)

License Number: 751800)

Type of Agency Action: Enforcement)

FILED

MAY 26 2020

STATE OF INDIANA
DEPT. OF INSURANCE

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

Administrative Law Judge Reuben B. Hill ("ALJ"), having heard, reviewed and considered all of the evidence, now renders a decision concerning the matter of Mark J. Coddington ("Respondent"). This matter came on to be heard by the ALJ on February 26, 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. Respondent 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. Respondent submitted an application to add a line of authority to his existing Resident Producer License on November 13, 2019. (Department’s Exhibit 1)
2. Respondent has been a licensed Resident Insurance Producer in the State of Indiana since April 25, 2011. (Hearing Transcript, p. 16)
3. Respondent answered “no” to the application question that asks, “Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor”? (Department’s Exhibit 1)
4. The Commissioner entered his Preliminary Administrative Order and Notice of License Denial on January 16, 2020, denying Respondent’s application to add a new authority, due to Respondent’s failure to disclose a pending misdemeanor, and Respondent’s failure to timely notify the Department about criminal charges within the requisite timeframe.
5. The Commissioner entered his Administrative Order and Notice of Non-Renewal of License on January 16, 2020, Non-Renewing Respondent’s Resident Producer License due to Respondent’s failure to timely report his criminal proceedings to the Department.
6. On or about November 1, 2011, Respondent was charged with multiple charges under Cause Number 49F24-1111-FD-077828 in Marion County Superior Court, Indiana.
(Department’s Exhibit 2)

7. On or about November 4, 2011, Respondent had his initial hearing in that criminal matter. (Department's Exhibit 2)
8. Respondent testified that thirty (30) days after his initial hearing on November 4, 2011, would have been on or around December 4, 2011. (Hearing Transcript, p. 19-20)
9. Respondent testified he was still licensed as a Resident Insurance Producer on or around December 4, 2011. (Hearing Transcript, p. 20)
10. Respondent did not notify the Department about these criminal charges within thirty (30) days from his initial hearing held on November 4, 2011. (Hearing Transcript, p. 20)
11. On or about May 12, 2014, Respondent was charged with one (1) count of Domestic Battery, a Class A Misdemeanor; and one (1) count of Battery, a Class A Misdemeanor under Cause Number 49G17-1405-CM-024720 in Marion County Superior Court, Indiana. (Department's Exhibit 4)
12. On or about May 12, 2014, Respondent had his initial hearing in that criminal matter. (Department's Exhibit 4)
13. Respondent testified that thirty (30) days after his initial hearing on May 12, 2014, would have been on or around June 11, 2014. (Hearing Transcript, p. 29)
14. Respondent testified he was still licensed as a Resident Insurance Producer on or around May 12, 2014. (Hearing Transcript, p. 29)
15. Respondent did not notify the Department about these criminal charges within thirty (30) days from his initial hearing held on May 12, 2014. (Hearing Transcript, p. 29)
16. On or about May 24, 2019, Respondent was charged with multiple charges, including one (1) count of Public Intoxication, a Class B Misdemeanor, under Cause Number 06D02-1905-CM-001127 in Boone County Superior Court. (Department's Exhibit 5)

17. On or about May 24, 2019, Respondent had his initial hearing in that criminal matter.

(Department's Exhibit 5)

18. Respondent testified that thirty (30) days after May 24, 2019, would have been on or around June 23, 2019. (Hearing Transcript, p. 30)

19. Respondent testified he was and still licensed as a Resident Insurance Producer on or around June 23, 2019. (Hearing Transcript, p. 30-31)

20. Respondent did not notify the Department about these criminal charges within thirty (30) days from his initial hearing held on May 24, 2019. (Hearing Transcript, p. 31)

21. Respondent also failed to disclose the pending charge of Public Intoxication, a Class B Misdemeanor, on his application for a new line of authority. (Department's Exhibits 1, 5)

22. Respondent did not admit any exhibits at the hearing.

23. The Department admitted five (5) exhibits at the hearing. The Department's Exhibit 1 was Respondent's Indiana Resident Producer application from the National Insurance Producer Registry, dated November 7, 2019. The Department's Exhibit 2 was Respondent's Chronological Case Summary for Respondent's criminal case under Cause Number 49F24-1111-FD077828 in Marion County Superior Court, Indiana. The Department's Exhibit 3 was an Order of Judgment of Conviction for Respondent's criminal case under Cause Number 49F24-1111FD-077828. The Department's Exhibit 4 was Respondent's Chronological Case Summary for Respondent's criminal case under Cause Number 49G17-1405-CM-024720. The Department's Exhibit 5 was Respondent's Chronological Case Summary for Respondent's criminal case under Cause Number 06D02-1905-CM-001127.

24. 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 or refuse to renew an Insurance Producer License due to a number of factors.
4. Indiana Code 27-1-15.6-12(b)(1) allows the Commissioner to refuse to issue 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)(2)(A) allows the Commissioner to refuse to renew and refuse to issue an Insurance Producer License for violating in insurance law.
6. Indiana Code 27-1-15.6-17(b) is an insurance law, that states, in part, 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.
7. Respondent was charged in multiple separate criminal matters from 2011 through 2019, and failed to notify the Department about those criminal cases within the thirty (30) days from the initial hearing date in each criminal case, violating Indiana Codes 27-1-15.6-12(b)(2)(A) and 27-1-15.6-17(b).
8. Respondent failed to disclose a pending criminal misdemeanor on his application for licensure, violating Indiana Code 27-1-15.6-12(b)(1).

9. 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. Respondent is requesting that the Department renew his Resident Producer License and add a new line of authority to his Resident Producer License and, therefore, bears the burden.
10. Pursuant to Indiana Code 27-1-15.6-12(d), a hearing was held to determine the reasonableness of the Commissioner's decision. Respondent failed to meet his burden of proving the Commissioner's decision was unreasonable.
11. Findings of Fact that can be adopted as Conclusions of Law are hereby incorporated herein as such.

RECOMMENDED ORDER

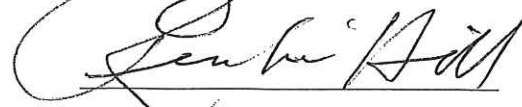
IT IS THEREFORE RECOMMENDED:

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. The denial of the Respondent's request to add a new line of authority to existing Resident Producer License under License Application Number 673052 shall be **AFFIRMED.**
2. The Non-Renewal of Respondent's Resident Producer License under License Number 751800 shall be **AFFIRMED.**

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the

Commissioner of Insurance this 28th day of May, 2020.

A handwritten signature in cursive script, appearing to read "Reuben B. Hill", written over a horizontal line.

Reuben B. Hill, Esq.
Administrative Law Judge

Distribution:

Mark J. Coddington
1936 Cunningham Rd.
Indianapolis, Indiana 46224

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

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 18868-AG20-0102-001

IN THE MATTER OF:)

Mark J. Coddington)
1936 Cunningham Rd.,)
Indianapolis, IN 46224)

Respondent.)

Type of Agency Action: Enforcement)

License Number: 751800)

FILED

JAN 16 2020

STATE OF INDIANA
DEPT. OF INSURANCE

ADMINISTRATIVE ORDER AND
NOTICE OF NONRENEWAL OF LICENSE

The Indiana Department of Insurance ("Department"), pursuant to 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 Mark J. Coddington, ("Respondent") of the following Administrative Order:

1. Respondent is a licensed resident insurance producer holding license number 751800 since April 25, 2011 ("Respondent's license").
2. Respondent's license expired on December 31, 2019.
3. On or about November 21, 2019, it was discovered that Respondent failed to timely report the following criminal charges to the Department:

- November 1, 2011, Operating a Vehicle While Intoxicated, a Class A Misdemeanor; and Operating a Vehicle While Intoxicated with a Prior Conviction and a Passenger Under the Age of 18, a Class D Felony;
- May 12, 2014, Domestic Battery, a Class A Misdemeanor; and Battery, a Class A Misdemeanor; and

- May 24, 2019, Operating a Vehicle While Intoxicated Endangering a Person, a Class A Misdemeanor; Operating a Vehicle While Intoxicated, a Class C Misdemeanor; and Public Intoxication, a Class B Misdemeanor.

4. Indiana Code § 27-1-15.6-12(b)(2)(A) provides, in part, that the Commissioner may refuse to renew an insurance producer's license for violating an insurance law.

5. Indiana Code § 27-1-15.6-17(b), is an insurance law, which 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.

6. Indiana Code § 27-1-15.6-12(d) requires the Commissioner to notify a licensee of the reason for the nonrenewal of his license. This Order serves as that notice.

7. 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 **his license shall not be renewed** due to his failure to timely report his criminal proceedings the Department.

1-16-2020
Date Signed


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Victoria Hastings, Attorney
ATTN: Calla Dain, Insurance Investigator
Indiana Department of Insurance
311 West Washington St., Suite 103
Indianapolis, Indiana 46204-2787

Mark J. Coddington
1936 Cunningham Rd.,
Indianapolis, IN 46224

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 18868-AD20-0102-001

IN THE MATTER OF:

Mark J. Coddington
1936 Cunningham Rd.,
Indianapolis, IN 46224

Applicant.

Type of Agency Action: Enforcement

Application ID: 7501941

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 Mark J. Coddington ("Applicant") of the following Administrative Order:

1. Applicant has been licensed as a resident producer with the Indiana Department of Insurance since April 25, 2011, under license number 751800.
2. Applicant filed an application with the Commissioner of the Indiana Department of Insurance ("Commissioner") to add a line of authority to his existing resident producer license on November 13, 2019.
3. 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.
4. Indiana Code § 27-1-15.6-12(b)(2)(A) provides, in part, that the Commissioner may refuse to issue a producer's license for violating an insurance law.

5. Indiana Code § 27-1-15.6-17(b), 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.
6. Indiana Code § 27-1-15.6-12(b)(1) provides, in part, that the Commissioner may refuse to issue a producer's license for providing incorrect, misleading, incomplete, or materially untrue information in a license application.
7. 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 Codes §§ 27-1-15.6-12(b)(2)(A), and 27-1-15.6-17(b) due to his failure to timely report to the Department the following charges:
 - November 01, 2011, Operating a Vehicle While Intoxicated, a Class A Misdemeanor; and Operating a Vehicle While Intoxicated with a Prior Conviction and a Passenger Under the Age of 18, a Class D Felony;
 - May 12, 2014, Domestic Battery, a Class A Misdemeanor; and Battery, a Class A Misdemeanor; and
 - May 24, 2019, Operating a Vehicle While Intoxicated Endangering a Person, a Class A Misdemeanor; Operating a Vehicle While Intoxicated, a Class C Misdemeanor; and Public Intoxication, a Class B Misdemeanor.
8. 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 failure to disclose his pending May 24, 2019, charge for Public Intoxication, a Class B Misdemeanor, on an application for licensure.

9. 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)(2)(A), 27-1-15.6-17(b), and 27-1-15.6-12(b)(1) due to Applicant's failure to timely report criminal charges to the Department, and his failure to disclose pending criminal proceedings on an application. 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:

Mark J. Coddington
1936 Cunningham Rd.,
Indianapolis, IN 46224

Victoria Hastings, Attorney
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