

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO: 19164-AD20-0625-098

IN THE MATTER OF:)

Jorge Alberto Pena)
10251 W. Oakland Park Blvd.,)
Sun Rise, FL 33351-6915)

Applicant.)

Type of Agency Action: Enforcement)

Application Number: 761664)

FILED

JUL 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 § 27-1-15.6-12, hereby gives notice to Jorge Alberto Pena (“Applicant”) of the following Administrative Order:

1. Applicant held a nonresident insurance producer license from August 20, 2008, until October 31, 2014, due to it expiring and Applicant’s failure to submit a license renewal fee.
2. Applicant filed an application to reinstate his nonresident producer license with the Commissioner of the Indiana Department of Insurance (“Commissioner”) on January 24, 2020.
3. Before approving an application, the Commissioner must find that the applicant has met specific requirements under Indiana Code § 27-1-15.6-8 and Indiana Code § 27-1-15.6-12.

4. Indiana Code § 27-1-15.6-12(b)(1) states, in part, that the Commissioner may refuse to issue or renew a producer's 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) states, in part, that the Commissioner may refuse to issue or renew an insurance producer's license for violating an insurance law.
6. Indiana Code § 27-1-15.6-17(a) is an insurance law, which states, in part, that a producer shall report to the Commissioner any administrative action taken against the producer in another jurisdiction or by another governmental agency in Indiana not more than thirty (30) days after the final disposition of the matter.
7. Indiana Code § 27-1-15.6-12(b)(3) states, in part, that the Commissioner may refuse to issue or renew a producer's license for obtaining or attempting to obtain a license through misrepresentation or fraud.
8. Indiana Code § 27-1-15.6-12(b)(8) states, in part, that the Commissioner may refuse to issue or renew a 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.
9. Indiana Code § 27-1-15.6-12(b)(9) states, in part, that the Commissioner may refuse to issue or renew a producer's license for having an insurance producer license, or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory.
10. Following 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 licensure as stated by Indiana Codes §§ 27-1-15.6-12(b)(1), 27-1-

nonresident producer licensure, and a failure to timely report other state actions.

12. Following 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 licensure as stated by Indiana Codes §§ 27-1-15.6-12(b)(2)(A), 27-1-15.6-17(a), and 27-1-15.6-12(b)(9) due to Applicant's failure to timely report the following administrative actions to the Department when he was previously licensed, as well as, for having a producer license revoked in some of those administrative actions:

- a. On March 12, 2010, the Missouri Department of Insurance entered into a Voluntary Forfeiture Agreement with Applicant due to a failure to disclose criminal convictions on his original application for nonresident producer licensure. Applicant did not report this Missouri administrative action to the Department until April 20, 2010.
- b. On May 25, 2010, the North Dakota Insurance Department issued an order revoking Applicant's nonresident insurance producer license due to a failure to disclose criminal convictions on his original application for nonresident producer licensure. Applicant timely reported the North Dakota administrative action to the Department on June 9, 2010.
- c. On July 19, 2010, Applicant entered into a Stipulation with the New York State Insurance Department due to a failure to disclose his criminal history, wherein a civil penalty of one thousand dollars (\$1,000) was imposed. Applicant did not report this New York administrative action to the Department until September 21, 2010.

- h. On August 6, 2014, the Massachusetts Division of Insurance revoked Applicant's nonresident producer license due to a failure to disclose criminal convictions on his original license application, and a failure to timely report other state actions. To date, this administrative action from Massachusetts has not been reported to the Department by Applicant.
- 13. 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 applicant's 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)(1), 27-1-15.6-12(b)(2)(A), 27-1-15.6-17(a), 27-1-15.6-12(b)(3), 27-1-15.6-12(b)(8), and 27-1-15.6-12(b)(9) due to Applicant's previously undisclosed criminal history on his original application for nonresident producer licensure, for Applicant's failure to timely report multiple administrative actions from other states while Applicant was previously licensed, for Applicant's failure to disclose multiple administrative actions on his 2020 application for licensure, and for Applicant's license revocations in other states. Applicant may reapply for licensure not less than one (1) year from the date of this order

7-1-2020

Date Signed



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

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