

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 19729-AD20-0827-116

IN THE MATTER OF:)
)
Vonzell Simmons)
7004 Royal Liverpool Dr.)
McKinney, TX 75070)
)
Applicant.)
)
Type of Agency Action: Enforcement)
)
License Application #: 799169)

FILED
OCT 22 2020
STATE OF INDIANA
DEPT. OF INSURANCE

PRELIMINARY ADMINISTRATIVE ORDER
AND NOTICE OF LICENSE DENIAL

The Indiana Department of Insurance, pursuant to the Indiana Administrative Orders and Procedures Act, Indiana Code § 4-21.5-1 *et seq.* and Indiana Code § 27-1-28-18, hereby gives notice to Vonzell Simmons (“Applicant”) of the following Administrative Order:

1. Applicant submitted an application for nonresident independent adjuster licensure with the Commissioner of the Indiana Department of Insurance (“Commissioner”) on August 13, 2020.
2. Before approving an application, the Commissioner must find that the applicant has met specific requirements under Indiana Code § 27-1-28-17 and Indiana Code § 27-1-28-18.
3. Indiana Code § 27-1-28-18(b)(1) provides, in part, that the Commissioner may refuse to issue an independent adjuster’s license for providing incorrect, misleading, incomplete, or materially untrue information in a license application.

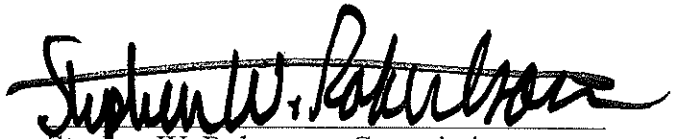
4. Indiana Code § 27-1-28-18(b)(3) provides, in part, that the Commissioner may refuse to issue an independent adjuster license for obtaining or attempting to obtain a license through misrepresentation or fraud.
5. Indiana Code § 27-1-28-18(b)(6) provides, in part, that the Commissioner may refuse to issue an independent adjuster's license for having been convicted of a felony.
6. Indiana Code § 27-1-28-18(b)(8) provides, in part, that the Commissioner may refuse to issue an independent adjuster'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.
7. Indiana Code § 27-1-28-18(b)(9) provides, in part, that the Commissioner may refuse to issue an independent adjuster's license for having an insurance license, or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory.
8. 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 §§ 27-1-28-18(b)(1), 27-1-28-18(b)(3), 27-1-28-18(b)(6), due to Applicant's felony conviction, and his failure to disclose an October 20, 1994 conviction for Possession of a Controlled Substance, a Level 4 Felony; and for failing to disclose two misdemeanor convictions.
9. 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 §§ 27-1-28-18(b)(1), 27-1-28-18(b)(3), 27-1-28-18(b)(8), and 27-1-28-18(b)(9) due to the following administrative

actions, one of which include a license revocation, and for Applicant failing to disclose the same:

- a. On or about June 3, 2019, the Louisiana Department of Insurance revoked Applicant's nonresident adjuster's license;
 - b. On or about February 10, 2020, the Delaware Department of Insurance filed a Consent Order and fined Applicant five hundred (\$500) dollars due to Applicant failing to report other states' administrative actions;
 - c. On or about May 26, 2020, the North Carolina Department of Insurance fined Applicant seven hundred fifty (\$750) dollars for Applicant failing to notify them of other states' administrative actions; and
 - d. On or about November 5, 2018, the Florida Department of Insurance fined Applicant one thousand five hundred (\$1,500) dollars for Applicant failing to notify them of Applicant's criminal history.
10. Indiana Code § 27-1-28-18(c) provides that the applicant may, not more than thirty (30) 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.
11. This is considered an agency action. This action has been initiated by the aforementioned authority. If you choose to appeal this agency action, the State of Indiana Office of Administrative Law Proceedings ("OALP") will assign an administrative law judge to preside over this matter, and subsequently you will be contacted by the OALP with more information to begin the administrative process.

IT IS THEREFORE ORDERED that Applicant's request for licensure is hereby **DENIED** pursuant to Indiana Codes §§ 27-1-28-18(b)(1), 27-1-28-18(b)(3), 27-1-28-18(b)(6); 27-1-28-18(b)(8), and 27-1-28-18(b)(9) due to Applicant's felony conviction, and for his failure to disclose the felony conviction, two (2) misdemeanor convictions, and four (4) administrative actions, one of which includes a license revocation. Applicant may reapply for licensure not less than one (1) year from the date of this order.

10-22-2020
Date Signed


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution to:

Vonzell Simmons
7004 Royal Liverpool Dr.,
McKinney, TX 75070

Victoria Hastings, Attorney
ATTN: Phil Holleman, Sr. Investigator
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204
317 234-5885, fax 317 234-2103