

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

DOI CAUSE NO: 19363-AD20-0520-083  
ADMINISTRATIVE CAUSE NO.: DOI-0820-000522

IN THE MATTER OF: )

Brittany Leigh Walton )  
329 Beechwood Court, )  
Apartment B, )  
Noblesville, IN 46060 )

Applicant. )

License Number: 769778 )

Type of Agency Action: Enforcement )

FILED

FEB 04 2021

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

On January 5, 2021, 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 Office of Administrative Law Proceedings served Findings of Fact, Conclusions of law, and Recommended Order on Respondent by mailing the same to her 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. The denial of Applicant's Resident Producer License under License Application~~

Number 769778 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 February, 2021.



Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Copies to:

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Apartment B,  
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**NOV 30 2020**

STATE OF INDIANA  
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**PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND RECOMMENDED ORDER**

Administrative Law Judge (“ALJ”) Reuben Hill, having considered and reviewed all of the evidence, will now render a decision in the matter of Brittany Leigh Walton (“Applicant”). This matter came to be heard by the ALJ on September 30, 2020 at 10:00 a.m. via audio conferencing at the Indiana Department of Insurance, 311 West Washington Street, Indianapolis, Indiana.

The Enforcement Division of the Indiana Department of Insurance (“Department”) was represented by counsel, Victoria Hastings. Applicant appeared telephonically, 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 and Conclusions of Law, and issues his Recommended Order.

### FINDINGS OF FACT

1. Applicant submitted an application for a resident producer license on March 12, 2020. (Department's Exhibit 1)

2. On Applicant's application for licensure, Applicant disclosed having two felony convictions. (Department's Exhibit 1)

3. The Commissioner entered his Preliminary Administrative Order and Notice of License Denial on July 30, 2020, due to Applicant's felony convictions. (Department's Exhibit 4)

4. A hearing was held at Applicant's request on September 30, 2020.

5. On or around June 2, 2009, Applicant pled guilty to and was convicted of Distribution, Delivery, Manufacture or Produce or Attempt to or Possess with Intent to Distribution, Delivery, Manufacture or Produce a Controlled Substance, a Class B Felony, in the State of Missouri. (Department's Exhibit 2)

6. For Applicant's 2009 felony conviction, the underlying incident occurred on or around October 13, 2006. (Hearing Transcript, p. 26)

7. The underlying incident began with Applicant not having enough cash on her to pay a tab at a bar, and Applicant did not want to use her credit card "because I was trying to be responsible..." (Hearing Transcript, p. 26)

8. Applicant had cocaine on her, and "stupidly decided that I was going to sell it," and Applicant sold cocaine to an undercover officer. (Hearing Transcript, p. 26)

9. For Applicant's 2009 felony, Applicant was sentenced to seven years, with the majority of the time being suspended. (Hearing Transcript, p. 29; Department's Exhibit 2)

10. For Applicant's 2009 felony conviction, she was incarcerated for four months at a women's prison, Vandalia Women's Prison, from approximately November 23, 2009 to February 20, 2010. (Hearing Transcript, p. 29-30)

11. After Applicant completed her incarceration period at the women's prison, Applicant was placed on probation for a period of five years. (Hearing Transcript, p. 30-31)

12. Applicant completed her probation from her 2009 felony conviction or around February 20, 2015. (Hearing Transcript, p. 32)

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13. Applicant also disclosed a second felony conviction from 2010. (Hearing Transcript, p. 25-26)

14. Applicant's second felony conviction is directly related to her first felony conviction. (Hearing Transcript, p. 32-33)

15. Applicant was convicted on July 6, 2010, for Failure to Return to Confinement to DOC, a Class D Felony, in the State of Missouri. (Hearing Transcript, p. 33; Department's Exhibit 3)

16. Applicant's second felony conviction involved Applicant failing to return to the Department of Corrections on or around November 23, 2009. (Department's Exhibit 3; Hearing Transcript, p. 33)

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17. For Applicant's 2010 conviction, Applicant was sentenced to two years, with that time being suspended. (Department's Exhibit 3; Hearing Transcript, p. 34)

18. For Applicant's 2010 conviction, Applicant was placed on probation for a five-year period. (Department's Exhibit 3; Hearing Transcript, p. 34)

19. Applicant admitted three (3) exhibits at the hearing. Applicant's Exhibit A was a letter of recommendation from a Ms. Kerry Murray. Applicant's Exhibit B was a letter of

recommendation from a Ms. Dena White. Applicant's Exhibit C is a letter of recommendation from Applicant's aunt, a Ms. Janeen Bostick.

20. At the hearing, Applicant's exhibits, which were not signed by the authors, were admitted on a conditional basis, that the Applicant would subsequently submit signed letters of recommendation. (Hearing Transcript, p. 14-16)

21. On November 30, 2020, Applicant submitted multiple documents to the Office of Administrative Law Proceedings. The first document included in the attachments, was a letter from the State of Missouri Department of Corrections; this document was not introduced or admitted at the hearing. The second document is a signed letter of recommendation from a Mr. Don Jordan; this document was not introduced or admitted at the hearing. The third document included in the attachments, was a signed copy of Applicant's Exhibit A. The fourth document included in the attachments, is a copy of Applicant's Exhibit C, still unsigned by the author-Ms. Janeen Bostick. The fifth document included in the attachments, is a copy of Applicant's Exhibit B, still unsigned by the author-Ms. Dena White.

22. The Department admitted four (4) exhibits at the hearing. Department's Exhibit 1 was Applicant's application for licensure. Department's Exhibit 2 was Applicant's case summary for Applicant's 2009 felony conviction. Department's Exhibit 3 was Applicant's case summary for Applicant's 2010 felony conviction. Department's Exhibit 4 was a Preliminary Administrative Order and Notice of License Denial from July 30, 2020.

23. 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, in part, that the Commissioner may refuse to issue or renew an insurance producer’s license, due to a number of factors.

4. Specifically, Indiana Code § 27-1-15.6-12(b)(6) allows the Commissioner to refuse to issue or renew an insurance producer’s license for having been convicted of a felony.

5. Applicant disclosed having two felony convictions from 2009 and 2010, in violation of Indiana Code § 27-1-15.6-12(b)(6).

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. Here, Applicant is requesting that the Department issue her 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. Applicant failed to meet her burden of proving the Commissioner’s decision was unreasonable.

8. Findings of Fact that can be adopted as Conclusions of Law are hereby incorporated herein as such.

**RECOMMENDED ORDER**

With the Findings of Fact and the Conclusions of Law as stated, the Administrative Law Judge now recommends to the Commissioner the following:

1. The denial of Applicant's resident producer license under license application number 769778 shall be AFFIRMED.

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

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Commissioner this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Reuben Hill  
Administrative Law Judge

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**FILED**

JUL 30 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 § 27-1-15.6-12, hereby gives notice to Brittany Leigh Walton (“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 March 12, 2020.
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 that the Commissioner may refuse to issue or renew an insurance producer license for having been convicted of a felony.
4. Following a review of public records and materials submitted by Applicant in support of her application, the Commissioner being fully advised, now hereby notifies Applicant that she has not fully met the requirements of licensure as stated by Indiana Code § 27-1-15.6-

12(b)(6) due to Applicant's criminal history, which includes two felony convictions. Applicant was convicted on June 2, 2009, for Distribution, Delivery, Manufacture or Produce or Attempt to or Possess with Intent to Distribution, Delivery, Manufacture or Produce a Controlled Substance, a Class B Felony, in the State of Missouri. Applicant was also convicted on July 6, 2010, for Failure to Return to Confinement to Department Of Corrections, a Class D Felony, in the State of Missouri.

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 criminal history, which includes two felony convictions. Applicant may reapply for licensure not less than one (1) year from the date of this order.

7-30-2020  
Date Signed

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution to:

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