

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

DOI CAUSE NO: 19471-AD20-0610-094
ADMINISTRATIVE CAUSE NO.: DOI-1020-000840

IN THE MATTER OF:)

Stephen Hecker)
75 Martin Lane,)
Springboro, OH 45066)

Respondent.)

License Number: 488438)

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 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. The refusal to renew Respondent's Non-Resident Producer License Number 488438~~

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:

Stephen Hecker
75 Martin Lane,
Springboro, OH 45066

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

RECOMMENDED ORDER

Pursuant to IC 4-21.5 this Recommended Order is not final and shall be presented to the ultimate authority for issuance of a final order.



BEFORE THE INDIANA

OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

Administrative Cause No.: DOI-1020-000840

Underlying/State Agency Action No.: 19471-AD20-0610-094

Final Agency Authority: Commissioner of the Department of Insurance

Stephen Hecker
Petitioner,

v.

Indiana Department of Insurance
Respondent.

Issued: January 5, 2021



File Dated: January 5th, 2021

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 Stephen Hecker ("Respondent"). This matter came on to be heard by the ALJ on October 29, 2020 at 10:00 a.m. via audio conferencing.

The Enforcement Division of the Indiana Department of Insurance ("Department") was represented by counsel, Victoria Hastings. Respondent 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, Conclusions of Law, and issues his Recommended Order.

FINDINGS OF FACT

1. Respondent is a licensed Non-Resident Insurance Producer, holding License Number 488438 since February 21, 2006. (Department's Exhibit 2)
2. Respondent's license expired on or about June 4, 2020. (Department's Exhibit 2)
3. Respondent submitted an application to renew his Non-Resident Producer License on May 29, 2020. (Department's Exhibits 1 & 2)
4. Charges were filed against Respondent in Warren County Common Pleas Court on or about March 27, 2020, in the State of Ohio. (Department's Exhibit 10)
5. Respondent was charged with one (1) count of Disseminating Matter Harmful to Juveniles, a First- Degree Misdemeanor, and one (1) count of Public Indecency, a Second- Degree Misdemeanor. (Department's Exhibit 4)
6. Respondent's Initial Hearing in the criminal matter was held on April 2, 2020. (Department's Exhibit 10)

7. The Commissioner entered his Administrative Order-Notice of Non-Renewal of License on July 30, 2020, due to Respondent's failure to timely report his criminal charges to the Department. (Department's Exhibit 2)

8. A hearing was held at Respondent's request on October 29, 2020.

9. Respondent appeared in person for his Initial Hearing, which was held on April 2, 2020. (Department's Exhibit 10)

10. Respondent testified that he was still licensed as a Non-Resident Insurance Producer in Indiana in April and May of 2020. (Hearing Transcript, p. 17)

11. Respondent did not report the criminal charges filed against him to the Department until he submitted his renewal application. (Hearing Transcript p. 17)

12. The Respondent's renewal application date of May 29, 2020 is fifty-seven (57) days after the Initial Hearing. (Department's Exhibit 1)

13. Respondent testified that he failed to notify the Department about his criminal charges within 30 days of his Initial Hearing. (Hearing Transcript, p. 17-18)

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

15. The Department admitted nine (9) Exhibits. Department's Exhibit 1 was Respondent's NIPR application. Department's Exhibit 2 was the Administrative Order and Notice of License Denial. The Department did not admit an Exhibit 3. Department's Exhibit 4 was the Indictment of the Warren County Common Pleas Court. Department's Exhibit 5 was the Complaint out of the Warren County Common Pleas Court. Department's Exhibit 6 is the

Judgment Entry out of the Warren County Common Pleas Court. Department's Exhibit 7 was the Sentencing out of the Warren County Common Pleas Court. Department's Exhibit 8 was a Docket Entry out of the Warren County Common Pleas Court. Department's Exhibit 9 was a No Contact Order out of the Warren County Common Pleas Court. Department's Exhibit 10 was the Chronological Case Summary out of the Warren County Common Pleas Court.

16. 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 renew an Insurance Producer License, due to a number of factors.
4. Indiana Code 27-1-15.6-12(b)(2)(A) allows the Commissioner to refuse to renew an Insurance Producer License for violating an insurance law.
5. Indiana Code 27-1-15.6-17(b) is an insurance law that states that not more than thirty (30) days after an Initial Pre-trial Hearing date, a producer shall report to the Commissioner any criminal prosecution of the producer initiated in any jurisdiction.

6. All hearings that occur prior to the trial in a criminal case are, by definition, Pre-trial Hearings. The "Initial Pre-trial Hearing" date for purposes of Indiana Code 27-1-15.6-17(b) is the Initial Hearing.
7. Respondent did not report the criminal charges filed against him on March 27, 2020, for which his Initial Hearing was held on April 2, 2020, to the Department until May 29, 2020, in violation of Indiana Code 27-1-15.6-17(b).
8. 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 Non-Resident Producer License and, therefore, bears the burden.
9. 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.
10. 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 refusal to renew Respondent's Non-Resident Producer License Number 488438 shall be **AFFIRMED**.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner of Insurance on January 5, 2021. **This recommended order is not final.**

This matter is now before the ultimate authority, the Commissioner of Insurance who has the final authority over this matter and shall review this recommended order then issue a final order to all parties.

Any questions regarding this matter may now be directed to Dawn Bopp at dbopp@idoi.in.gov.

/s/Reuben B. Hill

Reuben B. Hill, Esq.
Administrative Law Judge

Distributed to Parties:

Stephen Hecker – Petitioner and served by U.S. Postal Mail at 75 Martin Lane, Springboro, OH 45066

Victoria Hastings – Respondent’s Attorney; served by email to the email address on file with the Indiana Roll of Attorneys, Vhastings@idoi.in.gov.

IDOI Commissioner – Ultimate Authority and served by Dawn Bopp at dbopp@idoi.in.gov

STATE OF INDIANA)
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COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO: 19471-AD20-0610-094

IN THE MATTER OF:)

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75 Martin Lane,)
Springboro, OH 45066)

Respondent.)

Type of Agency Action: Enforcement)

License Number: 488438)

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STATE OF INDIANA
DEPT. OF INSURANCE

ADMINISTRATIVE ORDER AND
NOTICE OF NONRENEWAL OF LICENSE

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 Stephen Hecker ("Respondent") of the following Administrative Order:

1. Respondent is a licensed nonresident insurance producer holding license number 488438 ("Respondent's license") since February 21, 2006.
2. Respondent's license expired on June 4, 2020.
3. On May 29, 2020, the Department received an application from Respondent requesting to renew his nonresident producer's license.
4. On Respondent's renewal application, Respondent disclosed to the Department for the first time a March 27, 2020 arrest and charge for Distributing Obscene Material Harmful to Juveniles, a 5th Degree Felony; and Public Indecency/With a Prior Conviction, a 2nd Degree Misdemeanor.

5. The preliminary hearing was heard on April 16, 2020, at which time the two cases were bound over to the Grand Jury.
6. Indiana Code § 27-1-15.6-12(b)(2)(A) states, in part, that the Commissioner may refuse to renew an insurance producer's license for violating an insurance law.
7. Indiana Code § 27-1-15.6-17(b) is an insurance law that states 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.
8. Indiana Code § 27-1-15.6-12(d) provides that when the Commissioner refuses to renew a license, the Commissioner shall notify the Respondent, in writing, of the reasons for the nonrenewal. This Order serves as that notice.
9. 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 **Respondent's license shall not be renewed** due to Respondent failing to timely report his criminal prosecution.

7-30-2020
Date Signed


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Stephen Hecker
75 Martin Lane,
Springboro, OH 45066

Victoria Hastings, Attorney
ATTN: Phil Holleman, Sr. Investigator
Indiana Department of Insurance
311 W Washington St., Suite 103
Indianapolis, IN 46204-2787