

STATE OF INDIANA
COUNTY OF MARION)

) SS:

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

IN THE MATTER OF:)

Troy Shawn Edwards)
13754 Luxor Chase)
Fishers, IN 46038)

Applicant.)

Type of Agency Action:Enforcement)

License Application Number:756039)

FILED

JUN 22 2021

STATE OF INDIANA
DEPT. OF INSURANCE

CAUSE NO.: 18985-AD20-0107-013

FINAL ORDER

On May 28, 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 Department served Findings of Fact, Conclusions of law, and Recommended Order and Notice of Filing 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:

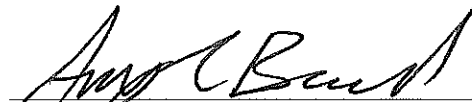
IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Denial of Applicant's Resident Producer License under License Application Number 756039

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 22 day of June, 2021.



Amy L. Beard, Commissioner
Indiana Department of Insurance

Copies to:

Troy Shawn Edwards
13754 Luxor Chase
Fishers, IN 46038

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

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CAUSE NO.: 18985-AD20-0107-013

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MAY 28 2021
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 Troy Shawn Edwards (“Applicant”). This matter came to be heard by the ALJ on March 10, 2020 at 11:00 a.m.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 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. Applicant submitted an application for a Resident Producer License on December 12, 2019. (Department's Exhibit 1)
2. On Applicant's application for license, Applicant failed to disclose his criminal history, which includes two (2) felony convictions. (Department's Exhibit 1)
3. The Commissioner entered his Preliminary Administrative Order and Notice of License Denial on January 16, 2020, due to Applicant's criminal history, which included two (2) felony convictions, and failing to disclose the same on his application for license.
4. Applicant testified that he personally filled out his application, and read through it. (Hearing Transcript, p. 17)
5. Applicant attested that under the penalty of perjury all of the information in his application was true and complete. (Hearing Transcript, p. 19, Department's Exhibit 1)
6. Applicant testified that he does have multiple criminal convictions. (Hearing Transcript, p. 19-20)
7. Applicant was convicted on or about October 30, 1998, for Operating a Vehicle While Intoxicated, a Class D Felony. (Hearing Transcript, p. 29-30, Department's Exhibit 2)
8. Applicant failed to disclose his 1998 felony conviction on his application. (Department's Exhibit 1)

9. Applicant was convicted of Public Intoxication, a Class B. Misdemeanor, on or about April 3, 2003. (Department's Exhibit 3, Hearing Transcript p. 20)
10. Applicant failed to disclose the public intoxication misdemeanor conviction on his application. (Hearing Transcript, p. 20, Department's Exhibit 1)
11. Applicant was convicted on or about August 11, 2009, for Operating a Vehicle While Intoxicated, a Class D Felony. (Hearing Transcript, p. 21, Department's Exhibit 4)
12. Applicant failed to disclose the 2009 felony conviction on his application. (Hearing Transcript, p. 23, Departments Exhibit 1)
13. Applicant submitted one (1) exhibit at the hearing. Applicant's Exhibit A was a copy of search results for his name under the MyCase Odyssey System.
14. The Department submitted four (4) exhibits at the hearing. Department's Exhibit 1 was the Applicant's NIPR application. Department's Exhibits 2 was court records for Applicant's 1998 felony conviction. Department's Exhibits 3 was court records for Applicant's 2003 misdemeanor conviction. Department's Exhibits 4 was court records for Applicant's 2009 felony conviction.
15. 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 License, due to a number of factors.

4. Indiana Code 27-1-15.6-12(b)(1) allows the Commissioner to refuse to issue or renew 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)(6) allows the Commissioner to refuse to issue or renew an Insurance Producer License for having been convicted of a felony.

6. Applicant has two (2) felony convictions, in violation of Indiana Code 27-1-15.6-12(b)(6).

7. Applicant failed to disclose his two (2) felony convictions and a misdemeanor conviction, in violation of Indiana Codes 27-1-15.6-12(b)(1) and 27-1-15.6-12(b)(6).

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. Applicant is requesting that the Department issue him a 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. Applicant failed to meet her 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 denial of Applicant's Resident Producer License under License Application Number 756039 shall be **AFFIRMED**.

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

Commissioner of Insurance this 28 day of May, 2021.

/s/ Reuben Hill
Administrative Law Judge

Distribution:

Troy Shawn Edwards
13754 Luxor Chase
Fishers, IN 46038

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 NO.: 18985-AD20-0107-013

IN THE MATTER OF:)
)
Troy Shawn Edwards)
100 Industrial Drive, PMB 115,)
Lawrenceburg, IN 47025)
)
Applicant.)
)
Type of Agency Action: Enforcement)
)
License Application #: 756039)

FILED
FEB 19 2020
STATE OF INDIANA
DEPT. OF INSURANCE

NOTICE OF HEARING

Notice is hereby given, pursuant to Indiana Code § 4-21.5-3 *et seq.*, that an evidentiary hearing will be held telephonically on March 10, 2020, at 11:00 A.M. P.M. Eastern Time, at 311 West Washington Street, Suite 103, Indianapolis, Indiana, to determine whether to grant the Applicant's request for a resident producer's license.

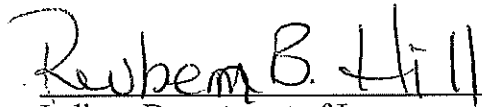
The hearing will be conducted in accordance with the provisions of the Administrative Orders and Procedures Act, codified at Indiana Code § 4-21.5-3 *et seq.* The Commissioner's authority to deny an insurance producer's license application is contained in Indiana Code § 27-1-15.6-12.

The issues to be resolved at the hearing are those described in the Preliminary Administrative Order and Notice of License Denial, filed on January 16, 2020.

The Indiana Department of Insurance asserts that Applicant has not fully met the requirements of licensure under Indiana Code § 27-1-15.6-12, due to his two (2) felony

convictions for Operating a Vehicle While Intoxicated, a Class D Felony, which is in violation of Indiana Code § 27-1-15.6-12(b)(6), and failing to disclose the felony convictions and one (1) additional criminal conviction of Public Intoxication, a Class B Misdemeanor, on his initial application for licensure, which is in violation of Indiana Code § 27-1-15.6-12(b)(1).

In accordance with Indiana Code § 27-1-15.6-34, the Administrative Law Judge in this matter is:



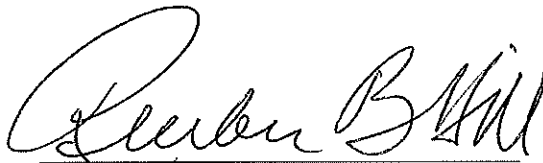
Indiana Department of Insurance
311 West Washington Street - Suite 103
Indianapolis, Indiana 46204-2787
Telephone: 317/232-3520

The Department of Insurance will be represented by its counsel, Victoria Hastings, who can be reached at:

Indiana Department of Insurance
311 West Washington Street - Suite 103
Indianapolis, Indiana 46204-2787
Telephone: 317-232-5312

A party who fails to attend or participate in a pre-hearing conference, hearing or other later stage of the proceeding, may be held in default or have a proceeding dismissed under Indiana Code § 4-21.5-3-24.

Dated: 2/19/20



Administrative Law Judge
Indiana Department of Insurance

This Notice has been sent to:

Troy Shawn Edwards
100 Industrial Drive, PMB 115
Lawrenceburg, IN 47025

Troy Shawn Edwards
7650 Thies Road
Rising Sun, IN 47040

Victoria Hastings, Attorney
ATTN: Taylor Peycha, Insurance Investigator
Indiana Department of Insurance
311 West Washington St., Suite 103
Indianapolis, IN 46204-278

STATE OF INDIANA)
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BEFORE THE INDIANA
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CAUSE NO.: 18985-AD20-0107-013

IN THE MATTER OF:)

Troy Shawn Edwards)
13754 Luxor Chase,)
Fishers, IN 46038)

Applicant.)

Type of Agency Action: Enforcement)

License Application #: 756039)

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 Troy Shawn Edwards (“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 December 12, 2019.
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)(1) provides, in part, that the Commissioner may refuse to issue or renew an insurance producer’s license for providing incorrect, misleading, incomplete, or materially untrue information in a license application.
4. Indiana Code § 27-1-15.6-12(b)(6) provides, in part, that the Commissioner may refuse to issue or renew an insurance producer license for having been convicted of a felony.

5. 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 failing to disclose the following criminal convictions:

- October 21, 1995, Operating a Vehicle While Intoxicated, a Class D Felony;
- April 3, 2003, Public Intoxication, a Class B Misdemeanor; and
- August 11, 2009, Operating a Vehicle While Intoxicated, a Class D Felony.

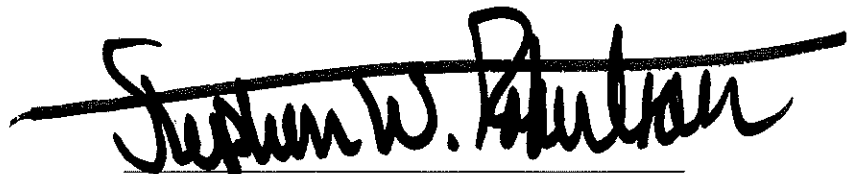
6. Following a review of public records, the Commissioner, being fully advised, now hereby notifies Applicant that he has not fully met the requirements of licensure as stated by Indiana Code § 27-1-15.6-12(b)(6) due to his two (2) felony convictions from October 21, 1995, and August 11, 2009.

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)(1) and 27-1-15.6-12(b)(6) due to his criminal history, including two (2) felony convictions, and failure to disclose same. 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:

Troy Shawn Edwards
13754 Luxor Chase,
Fishers, IN 46038

Victoria Hastings, Attorney
ATTN: Taylor Peycha, Investigator
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204
317-233-9432, fax 317 234-2103