

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

DOI CAUSE NO: 19573-AD20-0731-103  
ADMINISTRATIVE CAUSE NO.: DOI-1220-001569

IN THE MATTER OF: )

Michelle Baumgardner )  
3715 Tomlinson Drive, )  
Logansport, IN 46947 )

Petitioner. )

Type of Agency Action: Enforcement )

**FILED**

**MAY 11 2021**

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

On March 12, 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 Petitioner 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.

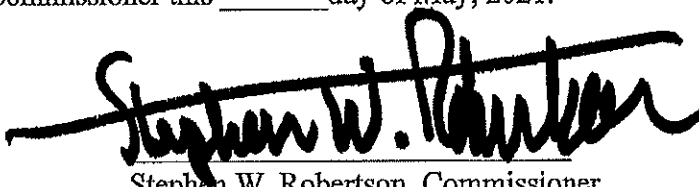
Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. The non-renewal of Petitioner's Resident Producer License under License Number 433864 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 11 day of May, 2021.

A handwritten signature in black ink, reading "Stephen W. Robertson", written over a horizontal line.

Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Copies to:

Michelle Baumgardner  
3715 Tomlinson Drive  
Logansport, IN 46947

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



**STATE OF INDIANA  
OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS**

**Administrative Cause No.: DOI-1220-001569**

**Underlying/State Agency Action No.: 19573-AD20-0731-103**

**Ultimate Authority: The Commissioner of the Department of Insurance**

**Michelle Baumgardner  
Petitioner,**

**v.**

**Department of Insurance  
Respondent.**

**Issued: December 22, 2020**



**File Dated: December 22<sup>nd</sup>, 2020**

**NOTICE OF ASSIGNMENT OF ADMINISTRATIVE LAW JUDGE**

This complaint has been presented to the Office of Administrative Law Proceedings for review. An Administrative Law Judge (ALJ) has been assigned to preside over your case and is the **Honorable Reuben B. Hill**.

This Notice also informs you of how you may file documents with the ALJ and contact the OALP while your case is pending. **Incorrectly addressed filings may not be processed correctly, resulting in the failure to file.**

1. Your administrative cause number is listed at the top of this Notice.
2. File documents electronically at [OALP@oalp.IN.gov](mailto:OALP@oalp.IN.gov); or

File documents by postal mail prior to February 1, 2021 at:

Office of Administrative Law Proceedings

Attn: [write out the administrative cause number of your case]

402 W. Washington Street, Room W-161

Indianapolis, IN 46204

File Documents by postal mail AFTER February 1, 2021 at:

Office of Administrative Law Proceedings

Attn: [write out case number]

100 N. Senate Avenue N-800  
Indianapolis, IN 46204

3. Each Party should serve documents on ALL parties to the case.
4. Any exhibits filed with OALP will be file stamped but considered Proposed Exhibits only until formally tendered during an evidentiary hearing and either admitted or not by the ALJ.
5. Parties should redact sensitive, non-relevant information from any documents which they file with the ALJ. (Examples: social security numbers, confidential trade secrets.)
6. *Ex parte* contact – whether direct or indirect communication with an adjudicator and regarding any issue in the pending proceeding without notice and opportunity for all Parties to participate in the communication – is forbidden by law.

How parties will receive orders from the ALJ:

1. Parties with valid email addresses filed with OALP will receive electronic service of documents from "ALP Support Team" with the subject "ALP EService". The link is only valid for 21 days.
  - a. Note: Attorney email addresses sync with the Indiana Roll of Attorneys. Attorneys must update their "E-notification and E-service" email address.
2. Parties with mailing address only will receive service through U.S. Postal Mail.

Questions Concerning document filings/motions may be directed to OALP support staff at: [OALP@oalp.IN.gov](mailto:OALP@oalp.IN.gov) or by appearing at the address provided.

SO ORDERED: December 22, 2020

/s/ Reuben B. Hill

Hon. Reuben B. Hill  
Administrative Law Judge

**Distributed to Parties:**

Indiana Department of Insurance – Respondent, served by Counsel Victoria Hastings by E-Mail at [vhastings@idoi.in.gov](mailto:vhastings@idoi.in.gov)

Michelle Baumgardner – Petitioner, served by U.S. Postal Mail at 3715 Tomlinson Drive, Logansport, IN 46947

**Additional Distribution to Non-Party:**

Dawn Bopp – Non-Party, Administrator for the Indiana Department of Insurance served as at [DBopp@idoi.in.gov](mailto:DBopp@idoi.in.gov) for purposes of scheduling a court reporter as needed for any hearing.

**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-1220-001569

Underlying/State Agency Action No.: 19573-AD20-0731-103

**Final Agency Authority: Commissioner of the Department of Insurance**

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**Michelle Baumgardner**  
Petitioner,

**v.**

**Indiana Department of Insurance**  
Respondent.

Issued: March 12, 2021



File Dated: March 12<sup>th</sup>, 2021

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**FINDINGS OF FACT, CONCLUSIONS OF LAW**

**AND RECOMMENDED DEFAULT ORDER**

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Administrative Law Judge ("ALJ") Reuben B. Hill, having considered and reviewed all of the evidence, will now render a decision in the matter of Michelle Baumgardner ("Respondent"). This matter came to be heard by the ALJ on January 20, 2021, at 10:00 a.m. via audio conferencing.

The Enforcement Division of the Indiana Department of Insurance ("Department") was represented by counsel, Victoria Hastings. Petitioner failed to appear. 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 Default Order.

#### **FINDINGS OF FACT**

1. Petitioner has been a licensed Resident Insurance Producer since March 3, 2003. (Department's Exhibit 1)
2. Petitioner submitted an application to renew her Resident Producer License on June 11, 2020. (Department's Exhibit 1)
3. On Petitioner's application, Petitioner disclosed to the Department for the first time, her criminal history, which includes two (2) misdemeanor convictions. (Department's Exhibit 1)
4. The Commissioner entered his Administrative Order and Notice of Non-Renewal License on October 22, 2020, due to Petitioner's criminal history, which included two (2) misdemeanor convictions, and failing to timely report the criminal prosecution to the Department. (Department's Exhibit 1)
5. On or about January 19, 2018, Petitioner was charged in Cass Superior Court 1 in Indiana with Domestic Battery, a Level 6 Felony, Criminal Confinement, a Level 6 Felony, and Battery Resulting in Bodily Injury, a Class A Misdemeanor. (Department's Exhibit 2)
6. Petitioner was involved in a physical altercation with Petitioner's adult child (Department's Exhibit 3)

7. Petitioner slapped her adult child, pinned the adult child to the ground, and struck the adult child again. (Department's Exhibit 3)

8. The adult child sustained injuries, specially, a swollen and bruised eye.  
(Department's Exhibit 3)

9. Petitioner's initial hearing in the criminal matter was held on January 22, 2018.  
(Department's Exhibit 2)

10. Petitioner appeared for the initial hearing, and it was commenced and concluded. (Department's Exhibit 2)

11. Petitioner failed to timely report her criminal prosecution to the Department within thirty (30) days of Petitioner's Initial hearing. (Hearing Transcript, p. 15)

12. On January 26, 2018, a No Contact Order was put in place between Petitioner and her adult child. (Department's Exhibit 4)

13. On January 3, 2019, Petitioner's No Contact Order was terminated  
(Department's Exhibit 2)

14. On January 3, 2019, Petitioner was convicted of Criminal Confinement, a Class A Misdemeanor, and Battery Resulting in Bodily Injury, a Class A Misdemeanor. (Department's Exhibit 5)

15. Petitioner was sentenced to Five Hundred Fifty-Five (555) days, with all but two (2) days suspended. (Department's Exhibit 6)

16. Petitioner was ordered to continue with counseling, and provide proof to probation, and to complete a substance abuse evaluation. (Department's Exhibit 5)

17. Petitioner was placed on supervised probation for Five Hundred Fifty-Three (553) days. (Department's Exhibit 2 and 6)

18. On March 26, 2019, a Notice of Violation of Probation was filed. (Department's Exhibit 2)

19. On August 1, 2019, the Court found that Petitioner violated probation. (Department's Exhibit 2)

20. On February 4, 2020, a Notice of Violation of Probation was filed. (Department's Exhibit 2)

21. On October 22, 2020, the Court found that Petitioner violated probation. (Department's Exhibit 2)

22. Petitioner received notice of administrative hearing from the Office of Administrative Law Proceedings at Petitioner's address of record, 3715 Tomlinson Drive, Logansport, IN 46947.

23. The Notice of Assignment of Administrative Law Judge was mailed to Petitioner at Petitioner's address of record on or about December 22, 2020.

24. The order Setting Evidentiary Hearing was mailed to Petitioner at Petitioner's address of record on or about December 22, 2020.

25. Petitioner failed to appear for the hearing.

26. A default hearing was held.

27. The Department admitted six (6) Exhibits at the hearing. Department's Exhibit 1 was the Administrative Order and Notice of Non-Renewal of License. Department's Exhibit 2 was the Chronological Case Summary of Petitioner's criminal case. Department's Exhibit 3 was



a Probable Cause Affidavit from Petitioner's criminal case. Department's Exhibit 4 was a No Contact Order. Department's Exhibit 5 was the Sentencing Order from Petitioner's criminal case. Department's Exhibit 6 was the Conditions of Probation from Petitioner's criminal case.

28. 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 the 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)(8) states, in part, that the Commissioner may refuse to issue or renew an Insurance Producer License for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.

5. Indiana Code 27-1-15.6(b)(2)(A) states, in part, that the Commissioner may refuse to issue or renew an Insurance Producer License for violating an insurance law.

6. Indiana Code 27-1-15.6-17(b) is an insurance law, which states in part, that a producer shall report to the Commissioner any criminal prosecution taken against the producer in any jurisdiction not more than thirty (30) days after the initial pretrial hearing date.

7. Petitioner has two (2) misdemeanor convictions, specifically, Criminal Confinement a Class A Misdemeanor, and Battery Resulting in Bodily Injury, a Class A Misdemeanor in violation of Indiana Code 27-1-15.6-12(b)(8).

8. Petitioner failed to disclose her criminal case to the Department within thirty (30) days of Petitioner's initial pretrial hearing date, which was held on January 22, 2018, in violation of Indiana Codes 27-1-15.6(b)(A) and 27-1-15.6-17(b).

9. 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. Petitioner is requesting that the Department renew her Resident Producer License and, therefore, bears the burden.

10. Indiana Code 4-21.5-3-24 states, in part, that if a party fails to attend or participate in a hearing, the administrative law judge may serve upon all parties written notice of a proposed default order, including a statement of the grounds. Within seven (7) days after service of a proposed default order, Petitioner may file a written motion requesting the proposed default order not be imposed and state the grounds relied upon.

11. Petitioner failed to appear for the hearing.

12. Pursuant to Indiana Code 27-1-15.6-12(d), a hearing was held to determine the reasonableness of the Commissioner's decision. Petitioner failed to meet her burden of proving the Commissioner's decision was unreasonable.

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

**RECOMMENDED DEFAULT 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 Non-Renewal of Petitioner's Resident Producer License under License Number 433864 shall be **AFFIRMED**.

ALL OF WHICH FOUND by the Administrative Law Judge and recommended to the **Commissioner of Insurance** on this 12<sup>th</sup> day of March 2021. **This recommended default 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.**

To preserve an objection to this order for judicial review, the Parties must object to the order in a writing that: 1) Identifies the basis for the objection with reasonable particularity; and 2) Is filed with the ultimate authority for the Final Order, the Commissioner of the Department of Insurance within eighteen (18) days from the date of this Order.

Any questions regarding this matter may now be directed to Dawn Bopp at [dbopp@idol.in.gov](mailto:dbopp@idol.in.gov).

/s/Reuben B. Hill  
Reuben B. Hill, Esq.  
Administrative Law Judge

**Distributed to Parties:**

Michelle Baumgardner – Petitioner, served by U.S. Postal Mail at 3715 Tomlinson Drive,  
Logansport, IN 46947

Indiana Department of Insurance – Respondent, served by Counsel Victoria Hastings by E-Mail  
at [vhastings@idol.in.gov](mailto:vhastings@idol.in.gov)

IDOI Commissioner – Ultimate Authority and served by Dawn Bopp at [dbopp@idol.in.gov](mailto:dbopp@idol.in.gov).

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO: 19573-AD20-0731-103

IN THE MATTER OF: )

Michelle Renee Baumgardner )  
3715 Tomlinson Drive, )  
Logansport, IN 46947 )

Respondent. )

Type of Agency Action: Enforcement )

License Number: 433864 )

**FILED**

**OCT 22 2020**

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 Michelle Renee Baumgardner ("Respondent") of the following Administrative Order:

1. Respondent is a licensed resident insurance producer holding license number 433864 ("Respondent's license") since March 3, 2003.
2. Respondent's license expired on June 30, 2020.
3. Respondent submitted an application to renew her license on June 11, 2020.
4. On said application, Respondent disclosed to the Department, for the first time, the following criminal convictions from January 3, 2019:
  - a. Criminal Confinement, a Class A Misdemeanor; and
  - b. Battery Resulting in Bodily Injury, a Class A Misdemeanor.
5. Respondent's initial hearing in the criminal matter was held on January 22, 2018.

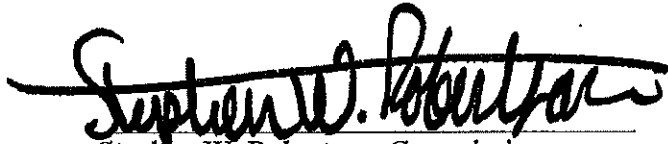
6. Respondent failed to timely report the aforementioned criminal prosecution to the Department within thirty days of Respondent's initial pretrial hearing date.
7. Indiana Code § 27-1-15.6-12(b)(2)(A) states, in part, that the Commissioner may refuse to renew an insurance producer's license for violating an insurance law.
8. Indiana Code § 27-1-15.6-17(b) is an insurance law, which states, in part, that a producer shall report to the Commissioner any criminal prosecution taken against the producer in any jurisdiction not more than thirty (30) days after the initial pretrial hearing date.
9. Indiana Code § 27-1-15.6-12(b)(8) states, in part, that the Commissioner may refuse to renew an insurance producer license for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.
10. 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.
11. 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.
12. 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.

WHEREFORE, based on the foregoing, the Commissioner of Insurance hereby notifies Respondent that **Respondent's license shall not be renewed** due to Respondent's failing to timely report her criminal prosecution to the Department within thirty days of her initial pretrial hearing.

10-22-2020

Date Signed

A handwritten signature in black ink, appearing to read "Stephen W. Robertson", written over a horizontal line.

Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

Michelle Renee Baumgardner  
3715 Tomlinson Drive,  
Logansport, IN

Victoria Hastings, Attorney  
ATTN: Taylor Peycha, Jr. Investigator  
Indiana Department of Insurance  
311 W Washington St., Suite 103  
Indianapolis, IN 46204-2787



**STATE OF INDIANA  
OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS**

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Administrative Cause No.: DOI-1220-001569

Underlying/State Agency Action No.: 19573-AD20-0731-103

Final Agency Authority: The Commissioner of the Department of Insurance

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Michelle Baumgardner  
**Petitioner,**

**v.**

Department of Insurance  
**Respondent.**

Issued: December 22, 2020



File Dated: December 22<sup>nd</sup>, 2020

**ORDER SETTING EVIDENTIARY HEARING**

Notice is hereby given, pursuant to Indiana Code § 4-21.5-3 *et seq.*, that an audio-only evidentiary hearing will be held on this matter. 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.*

Should either party wish to have a pre-hearing conference prior to the evidentiary hearing, then the party may submit a motion requesting a pre-hearing conference. Upon receipt of motion for a pre-hearing conference, the ALJ shall schedule a pre-hearing conference pursuant to IC § 4-21.5-3-18. Such request may serve as a waiver of any requirement to have the evidentiary hearing within a certain number of days.

**EVIDENTIARY HEARING INFORMATION**

The date of the evidentiary hearing is: **Wednesday, January 20, 2021**

The evidentiary hearing will begin at: **10:00 a.m. EST.**

The hearing will be conducted as: **Audio Only via Microsoft Teams Conference Line**

Details for Conference Line:



Dial Call In Phone Number: 317-552-1674

Enter Conference ID: 831591689#

The Parties are not prohibited from contacting the other to resolve the case prior to a hearing. 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.

SO ORDERED: December 22, 2020

/s/ Reuben B. Hill

Hon. Reuben B. Hill  
Administrative Law Judge  
Indiana Office of Administrative Law Proceedings  
402 W. Washington Street, Room W-161  
Indianapolis, IN 46204

**Distributed to Parties:**

Indiana Department of Insurance – Respondent, served by Counsel Victoria Hastings by E-Mail at [vhastings@idoi.in.gov](mailto:vhastings@idoi.in.gov)  
Michelle Baumgardner – Petitioner, served by U.S. Postal Mail at 3715 Tomlinson Drive, Logansport, IN 46947

**Additional Distribution to Non-Party:**

Dawn Bopp – Non-Party, Administrator for the Indiana Department of Insurance served as at [DBopp@idoi.in.gov](mailto:DBopp@idoi.in.gov) for purposes of scheduling a court reporter as needed for any hearing.