

STATE OF INDIANA
COUNTY OF MARION)

) SS:

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

IN THE MATTER OF:)

Christina Dorsey)
1236 Mt. Kisco Drive)
Charlotte, NC 28213)

Respondent.)

CAUSE NO.: 19803-AD20-0917-128
DOI-0121-000061

FILED

JUN 23 2021

**STATE OF INDIANA
DEPT. OF INSURANCE**

Type of Agency Action: Enforcement)

License Application Number: 803769)

FINAL ORDER

On April 23, 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 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.

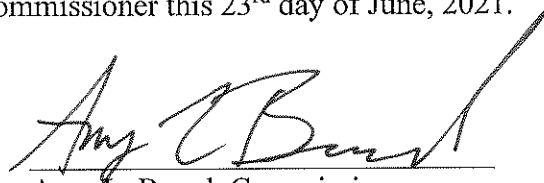
Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Refusal to issue Respondent's non-resident producer license under license application number 803769 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 23rd day of June, 2021.



Amy L. Beard, Commissioner
Indiana Department of Insurance

Copies to:

Christina Dorsey
1236 Mt. Kisco Drive
Charlotte, NC 28213

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-0121-000061

Underlying/State Agency Action No.: 19803-AD20-0917-128

Final Agency Authority: Commissioner of the Department of Insurance

Christina Dorsey
Petitioner,

v.

Indiana Department of Insurance
Respondent.

Issued: April 23, 2021



FILE DATED: APR 23 2021

FINDINGS OF FACT, CONCLUSIONS OF LAW

AND RECOMMENDED DEFAULT ORDER

Administrative Law Judge ("ALJ") having considered and reviewed all of the evidence, will now render a decision in the matter of Christina Dorsey ("Petitioner"). This matter came to be heard by the ALJ on February 23, 2021, at 10:00 a.m. via audio conferencing.

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 Order.

FINDINGS OF FACT

1. Petitioner submitted an application to the Department for a Non-Resident Producer License on or about September 1, 2020. (Department’s Exhibit 1)
2. Petitioner failed to disclose two (2) administrative actions on her application for license. (Department’s Exhibit 1)
3. Petitioner was involved in an administrative action from the State of Illinois, wherein Petitioner’s Illinois Producer License was suspended on or about November 30, 2018. (Department’s Exhibit 3)
4. Petitioner failed to disclose the Illinois administrative action, which involved a license suspension, on her application for license. (Department’s Exhibit 1, Hearing Transcript, p. 18)
5. Petitioner would have needed to disclose the Illinois administrative action on her application for license in Indiana. (Hearing Transcript, p. 17-18)
6. Petitioner was involved in another administrative action from the State of Idaho. (Department’s Exhibit 4)
7. Petitioner’s Idaho administrative action involved Petitioner’s Producer License being revoked on or about January 25, 2019. (Department’s Exhibit 4)

8. Petitioner failed to disclose the Idaho administrative action, which involved a license revocation, on her application for licensure. (Department's Exhibit 1, Hearing Transcript, p. 19-20)
9. Petitioner would have needed to disclose the Idaho administrative action on her application for licensure in Indiana. (Hearing Transcript, p. 20)
10. The Commissioner of the Indiana Department of Insurance ("Commissioner") filed his Preliminary Administrative Order and Notice of License Denial on November 19, 2020 due to Petitioner's failure to disclose two (2) administrative actions on her application for license, which involved having a license revoked and suspended. (Department's Exhibit 2)
11. On or about January 6, 2021, Petitioner made her request for an evidentiary hearing.
12. An evidentiary hearing was scheduled and held on February 23, 2021 at 10:00 a.m. EST via audio conferencing at the Indiana Department of Insurance.
13. A default hearing was held.
14. Petitioner received proper notice for the hearing via U.S. Postal mail.
15. Petitioner failed to appear for the hearing.
16. Petitioner never contacted the Department following the hearing.
17. Petitioner never informed the Department about what happened, or why she failed to appear for the hearing.
18. Petitioner never requested that the hearing be re-scheduled.
19. Petitioner never reached out to the Department requesting that the hearing be re-scheduled, or provided an explanation as to why Petitioner failed to appear for the hearing.

20. Department admitted four (4) exhibits at the hearing. Department's Exhibit 1 was Petitioner's Indiana application for license. Department's Exhibit 2 was the Preliminary Administrative Order and Notice of License Denial. Department's Exhibit 3 was Petitioner's Illinois administrative action. Department's Exhibit 5 was the Idaho administrative action.

21. 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, 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), states, in part, the Commissioner may 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)(9), states, in part, the Commissioner may refuse to issue or renew an Insurance Producer License for having an Insurance Producer license, or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory.
6. Petitioner was involved in two (2) administrative actions, which involved having a license suspended and revoked, and Petitioner failed to disclose those administrative actions

on her application for license, in violation of Indiana Codes 27-1-15.6-12(b)(9) and 27-1-15.6-12(b)(1).

7. 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 issue her a Non-Resident Producer License and, therefore, bears the burden.

8. 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, Respondent may file a written motion requesting the Proposed Default Order not be imposed and stating the grounds relied upon.

9. Petitioner failed to appear for the hearing.

10. 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.

11. 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 issue Petitioner's Non-Resident Producer License under license application Number 803769 be **AFFIRMED**.

ALL OF WHICH FOUND by the Administrative Law Judge and recommended to the **Commissioner of Insurance** on this 23rd day of April, 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 and 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 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@idoi.in.gov.

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

Distributed to Parties:

Indiana Department of Insurance – Respondent, served by Counsel Victoria Hastings by E-Mail at vhastings@idoi.in.gov

Christina Dorsey – Petitioner, served by U.S. Postal Mail at 1236 Mt. Kisco Drive, Charlotte, NC 28213

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

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 19803-AD20-0917-128

IN THE MATTER OF:

Christina Dorsey
1236 Mt. Kisco Dr.
Charlotte, NC 28213-5838

Applicant.

Type of Agency Action: Enforcement

License Application #: 803769

FILED

NOV 19 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 Christina Dorsey ("Applicant") of the following Administrative Order:

1. Applicant filed an application for nonresident producer licensure with the Commissioner of the Indiana Department of Insurance ("Commissioner") on September 1, 2020.
2. Before approving an application, the Commissioner must find that the applicant has met specific requirements under Indiana Code § 27-1-15.6-8 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 an insurance producer license for providing incorrect, misleading, incomplete, or materially untrue information in a license application.
4. Indiana Code § 27-1-15.6-12(b)(9) provides, in part, that the Commissioner may refuse to issue an insurance producer license for having an insurance producer license, or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory.

5. Following a review of public records and the 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 Codes §§ 27-1-15.6-12(b)(1) and 27-1-15.6-12(b)(9) due to Applicant's failure to disclose two (2) administrative actions from other states. Applicant failed to disclose a January 5, 2019, administrative action from Illinois, which involved a suspension of her nonresident producer license. Applicant also failed to disclose a January 25, 2019, administrative action from Idaho, which involved a revocation of her nonresident producer license.
6. 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.
7. 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 §§ 27-1-15.6-12(b)(1) and 27-1-15.6-12(b)(9) due to Applicant's failure to disclose two (2) administrative actions, which involved having her producer's license revoked in one state and suspended in another state. Applicant may reapply for licensure not less than one (1) year from the date of this order.

11/19/2020
Date Signed


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution to:

Christina Dorsey
1236 Mr. Kisco Dr.,
Charlotte, NC 28213-5838

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