

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO: 20224-AG21-0226-041

IN THE MATTER OF:)
)
Desuan Labrain Moore)
101 West 103rd Street,)
Indianapolis, IN 46290)
)
Respondent.)
)
Type of Agency Action: Enforcement)
)
License Number: 3178286)

FILED

MAY 12 2021

STATE OF INDIANA
DEPT. OF INSURANCE



FILE DATED: MAY 13 2021

ADMINISTRATIVE ORDER
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 Desuan Labrain Moore (“Respondent”) of the following Administrative Order:

1. Respondent is a licensed resident insurance producer holding license number 3178286 (“Respondent’s license”) since August 17, 2016.
2. Respondent’s license expired on January 31, 2021.
3. On or about November 12, 2016, Respondent was charged with the following:
 - a. Residential Entry and enter dwelling, a Class A Misdemeanor;
 - b. Criminal Trespass, a Class A Misdemeanor;
 - c. Criminal Mischief, a Class B Misdemeanor; and
 - d. Public Intoxication, a Class B Misdemeanor.
4. Respondent’s initial pretrial hearing was scheduled for November 15, 2016.

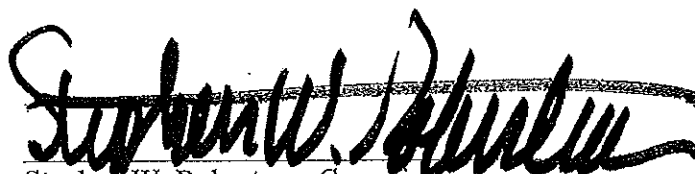
5. On August 16, 2017, Respondent was convicted of Residential Entry Break and Enter Dwelling, a Class A Misdemeanor.
6. Respondent failed to timely report the 2016 criminal charges to the Department within thirty days of his initial pre-trial hearing.
7. Respondent did not report the 2016 criminal charges to the Department until on or around January 18, 2019, when he submitted an application to renew his license.
8. On or about March 6, 2019, Respondent was charged with the following:
 - a. Leaving the Scene of an Accident offense committed after committing OWI causing, a Level 6 Felony;
 - b. Causing Serious Injury Operating a Motor Vehicle w/ACE =>.08, A Level 6 Felony; and
 - c. Leaving the Scene of an Accident – Serious Bodily Injury, a Level 6 Felony.
9. Respondent's initial pretrial hearing was held on March 3, 2021.
10. Respondent failed to timely report the criminal charges from 2019 to the Department within thirty days of his initial pre-trial hearing.
11. Indiana Code § 27-1-15.6-12(b)(1) states, in part, that the Commissioner may refuse to renew an insurance producer license for providing incorrect, misleading, incomplete, or materially untrue information in a license application.
12. Indiana Code § 27-1-15.6-12(b)(2)(A) states, in part, that the Commissioner may refuse to renew an insurance producer license for violating and insurance law.
13. 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 not more than thirty (30) days after the initial pretrial hearing.

14. 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.
15. 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.
16. 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.
17. 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** License due to Respondent's criminal history, failing to timely report criminal charges to the Department, and failing to disclose his felony charges on his 2021 application.

5-12-2021

Date Signed



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Desuan Labrain Moore
101 West 103rd Street,
Indianapolis, IN 46290

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



STATE OF INDIANA
OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

Administrative Cause No.: DOI-0521-001079

Underlying/State Agency Action No.: 20224-AG21-0226-041

Final Agency Authority: The Commissioner of the Department of Insurance

Desuan Moore
Petitioner,

v.

Indiana Department of Insurance
Respondent.

Issued: May 19, 2021



FILE DATED: MAY 19, 2021

**NOTICE OF ASSIGNMENT OF ADMINISTRATIVE LAW JUDGE, NOTICE OF FILING PROCEDURES,
and ORDER SETTING EVIDENTIARY HEARING**

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; or
File Documents by postal mail at:

Office of Administrative Law Proceedings
Attn: [write out case number]
100 N. Senate Ave., Rm. N-802
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 or by appearing at the address provided.

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: **Tuesday, June 8, 2021**

The evidentiary hearing will begin at: **10:00 A.M. EDT.**

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: 310 950 657#

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: May 19, 2021

/s/ Reuben B. Hill

Hon. Reuben B. Hill
Administrative Law Judge
Indiana Office of Administrative Law Proceedings

Distributed to Parties:

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

Desuan Moore – Petitioner, served by U.S. Postal Mail at 101 West 103rd Street, Indianapolis, IN 46290

Additional Distribution to Non-Party:

Dawn Bopp – Non-Party, Administrator for the Indiana Department of Insurance served as at 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.



FILED: August 27,
2021

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

Administrative Cause No.: DOI-0521-001079
Underlying/State Agency Action No.: : 20224-AG21-0226-041

Final Agency Authority: Commissioner of the Department of Insurance

Desuan Labrian Moore
Petitioner,

v.

Indiana Department of Insurance
Respondent.

Type of Agency Action: Enforcement

License Number: 3178286

FINDINGS OF FACT, CONCLUSIONS OF LAW

AND RECOMMENDED ORDER

Enforcement Division of the Indiana Department of Insurance (“Department”) was represented by counsel, Victoria Hastings. This matter came to be heard by ALJ on June 8, 2021, at 10:00 a.m. via audio conferencing. Petitioner 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. Petitioner is a licensed Resident Insurance Producer. (Hearing Transcript, p. 11-12)
2. Petitioner has been a Licensed Producer in Indiana since August 17, 2016. (Department's Exhibit 1)
3. On or about November 12, 2016, Petitioner was arrested and charged in Marion County Superior Court ("2016 Criminal Case"). (Department's Exhibits 1 and 2)
4. On or about November 12, 2016, in Petitioner's 2016 Criminal Case, Petitioner was charged with Residential Entry and Enter Dwelling, a Class A Misdemeanor Criminal Trespass, a Class A Misdemeanor Criminal Mischief, a Class B Misdemeanor and Public Intoxication, a Class B Misdemeanor.
5. On November 15, 2016, Petitioner had his initial hearing in Petitioner's 2016 Criminal Case (Department's Exhibit 2)
6. Petitioner attended his initial hearing in his 2016 Criminal Case. (Department's Exhibit 2)
7. On August 16, 2017, Petitioner was convicted of Residential Entry Break and Enter Dwelling, a Class A Misdemeanor. (Department's Exhibit 4)
8. On or about January 17, 2019, Petitioner notified the Department about his 2016 Criminal Case.
9. Petitioner failed to report his 2016 Criminal Case to the Department within the statutorily required timeframe.
10. On or about March 6, 2019, Petitioner was charged in Marion County Superior Court ("2019 Criminal Case"). Department's Exhibit 6)
11. Petitioner was charged in the 2019 Criminal Case with Leaving the Scene of an Accident, a Level 3 Felony; Causing Serious Injury while Operating a Vehicle, a Level 6 Felony; and Leaving the Scene of an Accident – Serious Bodily Injury, a Level 6 Felony. (Department's Exhibit 6)
12. On March 3, 2021, Petitioner had his initial hearing in Petitioner's 2019 Criminal Case. (Department's Exhibit 6)
13. Petitioner attended his initial hearing in his 2019 Criminal Case. (Department's Exhibit 6)
14. Petitioner submitted an application to renew his Resident Producer License on or about January 7, 2021. (Department's Exhibit 7)

15. Petitioner failed to disclose his 2019 Criminal Case on his renewal application. (Department's Exhibit 7)
16. Petitioner failed to report his 2019 Criminal Case to the Department within the statutory required timeframe.
17. Petitioner testified that he was under the impression that his 2019 Criminal Case had been dismissed.
18. Petitioner testified that he was not trying to be dishonest in filling out his 2021 renewal application.
19. Petitioner did not admit any exhibits at the hearing.
20. Department admitted seven (7) exhibits at the hearing. Department's Exhibit 1 was Petitioner's Non-Renewal Order. Department's Exhibit 2 was a document from Petitioner's 2016 Criminal Case. Exhibit 3 was Petitioner's 2019 renewal application. Petitioner's Exhibit 4 was a document from Petitioner's 2016 Criminal Case. Department's Exhibit 5 was a letter to the Department. Department's Exhibit 6 was a document from Petitioner's 2019 Criminal Case. Department's Exhibit 7 was Petitioner's 2021 renewal application.
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 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 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)(2)(A) allows the Commissioner to refuse to 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 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.

7. Indiana Code 27-1-15.6-12(b)(8) allows the Commissioner to refuse to renew an Insurance Producer License for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibly in the conduct of business in Indiana or elsewhere.
8. Petitioner failed to timely report two (2) criminal prosecutions to the Department within thirty (30) days of his initial pre-trial hearing, and Petitioner failed to disclose his 2019 pending charges on his 2021 renewal application, in violation of Indiana Codes 27-1-15.6-12(b)(1), 27-1-15.6-17(b) and 27-1-15.6-12(b)(2)(A).
9. Petitioner is convicted of Residential Entry Break and Enter Dwelling, a Class A Misdemeanor, in violation of Indiana Codes 27-1-15.6-12(b)(8).
10. 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 his Resident Producer License and, therefore, bears the burden.
11. Pursuant to Indiana Code 27-1-15.6-12(d), a hearing was held to determine the reasonableness of the Commissioner's decision. Petitioner has failed to meet his burden that the Commissioner's decision was unreasonable.
12. 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 Petitioner's Resident Producer License Number 3178286 shall be **AFFIRMED**.

ALL OF WHICH FOUND by the Administrative Law Judge and recommended to the **Commissioner of Insurance** on August 23, 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, the Commissioner of the Department of Insurance, within eighteen (18) days from the date of this Order.

Any objections may be filed with or questions regarding this matter may be directed to Dawn Bopp at dbopp@idoi.in.gov.

/s/Reuben B. Hill

Reuben B. Hill, Esq.

Administrative Law Judge

Distributed to Parties:

Desuan Labrian Moore
101 West 103rd Street
Indianapolis, IN 46290

Victoria Hastings, Attorney
Vhastings@idoi.in.gov
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204

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

IN THE MATTER OF:)
)
Desuan Labrian Moore)
101 West 103rd Street)
Indianapolis, IN 46290)
)
Petitioner)
)
Type of Agency Action:Enforcement)
)
License Number:3178286)

FILED
NOV 08 2021
STATE OF INDIANA
DEPT. OF INSURANCE

CAUSE NO.: DOI-0521-001079
20224-AG21-0226-041

FINAL ORDER

On August 27, 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 Petitioner 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. Refusal to renew Petitioner's resident producer license number 3178286 is

AFFIRMED.

Under Ind. Code §4-21.5-5-5, Petitioner 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 8 day of November, 2021.



Amy L. Beard, Commissioner
Indiana Department of Insurance

Copies to:

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311 W. Washington St., Suite 103
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