

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO: 20614-AD21-0614-095

IN THE MATTER OF:)

Wesley A. Smith)
6217 N. Woodside Ct.)
McCordsville, IN 46055)

Respondent.)

Type of Agency Action: Enforcement)

License Number: 3347349)

FILED

JUN 22 2021

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 Wesley A. Smith (“Respondent”) of the following Administrative Order:

1. Respondent is a licensed resident insurance producer holding license number 3347349 (“Respondent’s license”) since June 13, 2018.
2. Respondent’s license expires on July 31, 2020.
3. On August 14, 2019, Respondent was charged with Conspiracy to Commit Wire Fraud, in the United State District Court of Southern District of Indiana.
4. On September 5, 2019, Respondent had his initial pretrial hearing in the criminal matter.
5. Respondent to date has yet to report this criminal prosecution and subsequent conviction to the Department.

6. On or around May 5, 2021, Respondent pled guilty to one count of Conspiracy to Commit Wire Fraud, in the United State District Court of Southern District of Indiana.
7. The nature of the case was due to Respondent had created and processed fraudulent travel insurance claims to the insurance company in which he was employed with. Respondent created false scenarios to submit fake claims to submit to an insurer. Respondent then used the proceeds from the payout of the claims for personal purchases for himself, family, and friends. The total loss to the insurer was over seven hundred and fifty eight thousand dollars (\$758,000).
8. Indiana Code § 27-1-15.6-12(b)(4) states, in part, that the Commissioner may refuse to renew an insurance producer license for improperly withholding, misappropriating, or converting any monies or properties received in the course of doing insurance business.
9. Indiana Code § 27-1-15.6-12(b)(5) states, in part, that the Commissioner may refuse to renew an insurance producer license for intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance.
10. Indiana Code § 27-1-15.6-12(b)(6) states, in part, that the Commissioner may refuse to renew an insurance producer license for having been convicted of a felony.
11. Indiana Code § 27-1-15.6-12(b)(7) states, in part, that the Commissioner may refuse to renew an insurance producer license for admitted to having committed or being found to have committed any unfair trade practice or fraud in the business of insurance.
12. 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.

13. Indiana Code § 27-1-15.6-12(b)(10) states, in part, that the Commissioner may refuse to renew an insurance producer license for forging another's name to an application for insurance or to any document to an insurance transaction.
14. 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.
15. Indiana Code § 27-1-15.6-17(b) is an insurance law that states that not more than thirty days after an initial pretrial hearing date, a producer shall report to the Commissioner any criminal prosecution of the producer initiated in any jurisdiction.
16. 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.
17. 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.
18. 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 the nature of Respondent's felony conviction for Conspiracy to Commit Wire Fraud, which involved fraudulent or dishonest practices, and for Respondent's failure to timely report his criminal prosecution.

6/22/21
Date Signed

Amy L. Beard
Amy L. Beard, Commissioner
Indiana Department of Insurance

Distribution:

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