

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO: 19506-AG20-1209-215

IN THE MATTER OF:)

Tonia Wainscott)
800 Main St., Ste. 306,)
Anderson, IN 46011)

Respondent.)

Type of Agency Action: Enforcement)

License Number: 2673240)

FILED
SEP 28 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 Tonia Wainscott (“Respondent”) of the following Administrative Order:

1. Respondent is a licensed resident insurance producer holding license number 2673240 (“Respondent’s license”) since November 22, 1996.
2. Respondent’s license expired on August 31, 2021.
3. On June 12, 2020, the Enforcement Division received a consumer complaint (“Complaint”) against Respondent stating that Respondent allegedly had taken funds submitted to her for premium payments for two (2) different insurance policies that were allegedly never applied to the insurer for a policy.
4. In the Complaint, it stated that allegedly Respondent had provided the client with a fraudulent certificate of liability for the policy that was never activated.

5. In the Complaint, Respondent allegedly put the premium funds into the bank account but never applied the money to the insurer to pay for the policy.
6. On November 6, 2020, Respondent was charged with three (3) counts of Theft, a Level 6 Felony, in Madison County, Indiana.
7. On July 8, 2021, Respondent had her initial pretrial hearing in the criminal matter.
8. Respondent to date has yet to report this criminal prosecution to the Department.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.

15. 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 the complaint against Respondent, which involved fraudulent or dishonest practices, and for Respondent's failure to timely report her criminal prosecution.

9/28/21

Date Signed



Amy L. Beard, Commissioner
Indiana Department of Insurance

Distribution:

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