

STATE OF INDIANA

COUNTY OF MARION

IN THE MATTER OF:

Aaron McLaughlin

460 Penn Ave.

Fort Wayne, IN 46805

Petitioner.

Type of Agency Action: Enforcement

License Number: 557634

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BEFORE THE INDIANA

COMMISSIONER OF INSURANCE

**FILED**

**SEP 28 2021**

STATE OF INDIANA  
DEPT. OF INSURANCE

CAUSE NO.: 19778-AG20-1014-186

DOI-0321-000659

**FINAL ORDER**

On August 4, 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 Indiana resident producer license number 557634 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 28 day of September, 2021.

A handwritten signature in black ink, appearing to read "Amy L. Beard", written over a horizontal line.

Amy L. Beard, Commissioner  
Indiana Department of Insurance

Copies to:

Aaron McLaughlin  
460 Penn Ave.  
Fort Wayne, IN 46805

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.



FILED: August 4, 2021

### STATE OF INDIANA OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

Administrative Cause No.: DOI-0321-000659  
Underlying/State Agency Action No.: 19778-AG20-1014-186

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

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**Aaron McLaughlin**  
Petitioner,

**v.**

**Indiana Department of Insurance**  
Respondent.

**Type of Agency Action: Enforcement**

**License Number: 557634**

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### FINDINGS OF FACT, CONCLUSIONS OF LAW

### AND RECOMMENDED ORDER

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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 1, 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. (Department's Exhibit 8)
2. Petitioner submitted an application to renew his Resident Producer License on or about August 24, 2020. (Department's Exhibit 8)
3. On Petitioner's August 23, 2020 application, Petitioner disclosed, for the first time, to the Department his criminal charges ("Criminal Case"). (Department's Exhibit 8)
4. On March 6, 2020, Petitioner was charged in Allen County Superior Court, Indiana, with the following: Domestic Battery, a Class A Misdemeanor; Interference with Reporting of a Crime, A Class A Misdemeanor; Criminal Confinement with Bodily Injury, a Level 5 Felony; and Strangulation, a Level 6 Felony. (Department's Exhibits 2 & 8)
5. In Petitioner's Criminal Case, it was alleged that Petitioner grabbed the victim and threw the victim to the ground. Petitioner allegedly grabbed the victim by the throat and covered the victim's mouth as the victim tried to scream for help. Petitioner allegedly threw the victim a second time and threw a couch at the victim. (Department's Exhibit 3)
6. Petitioner's initial hearing in the Criminal Case was held on or about March 6, 2020. (Department's Exhibits 2, 4 and 8)
7. Petitioner attended his initial hearing in the Criminal Case (Department's Exhibits 2 and 4)
8. Petitioner entered a plea of not guilty at the initial hearing in the Criminal Case. (Department's Exhibits 2 and 4)
9. On or about March 6, 2020, a No Contact Order was put into place between Petitioner and the victim in Petitioner's Criminal Case. (Department's Exhibits 2 and 5)
10. In Petitioner's No Contact Order, Petitioner was ordered not to have any contact with the victim. (Department's Exhibit 5)
11. On or about August 4, 2020, Petitioner pleaded guilty and was convicted of Criminal Confinement with Bodily Injury, a Level 5 Felony; Strangulation, a Level 6 Felony; and Domestic Battery, a Class A Misdemeanor.
12. Petitioner was ordered to confinement for a period of four (4) years, with one (1) year of said sentence ordered executed, and the remainder of three (3) years is ordered suspended, and Petitioner was placed on Active Adult Probation for a period of three (3) years. (Department's Exhibit 6)
13. Petitioner was ordered to participate in domestic violence counseling and substance abuse evaluation. (Department's Exhibit 6)
14. Petitioner at the time of the hearing, had yet to commence the domestic violence counseling or the substance abuse evaluation.
15. Petitioner did not report his Criminal Case within the thirty (30) days from his initial hearing, which was held on March 6, 2020. (Department's Exhibits 2, 8, and 4)

16. Petitioner reported his Criminal Case to the Department when Petitioner submitted his renewal application on or about August 24, 2020. (Department's Exhibit 1)
17. Petitioner has two (2) felony convictions. (Department's Exhibits 6 and 7)
18. Petitioner served part of his sentence from the Criminal Case at the Heritage Trail Correctional Facility.
19. Petitioner admitted seven (7) exhibits at the hearing. Petitioner's Exhibits A and B were documents from his criminal matter. Petitioner's Exhibits C and D were character reference letters. Petitioner's Exhibit E was a copy of Petitioner's request for a hearing. Petitioner's Exhibit F was another character reference letter. Petitioner's Exhibit G is Petitioner's letter.
20. Department admitted eight (8) exhibits at the hearing. Department's Exhibit 1 was Petitioner's renewal application. Department's Exhibits 2 through 7 were documents from Petitioner's criminal case. Department's Exhibit 8 was the non-renewal order.
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)(2)(A) allows the Commissioner to refuse to renew an Insurance Producer License for violating an insurance Law.
5. 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.
6. Indiana Code 27-1-15.6-12(b)(6) allows the Commissioner to refuse to renew an Insurance Producer License for having been convicted of a felony.
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 his criminal prosecution to the Department within thirty (30) days of his initial pre-trial hearing, which was held in March of 2020, and Petitioner did not report the criminal prosecution to the Department until he submitted his renewal application in August of 2020, in violation of Indiana Codes 27-1-15.6-17(b) and 27-1-15.6-12(b)(2)(A).

9. Petitioner is convicted of Criminal Confinement with Bodily Injury, a Level 5 Felony; Strangulation, a Level 6 Felony, in violation of Indiana Codes 27-1-15.6-12(b)(6) and 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, 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 557634 shall be **AFFIRMED**.

**ALL OF WHICH FOUND** by the Administrative Law Judge and recommended to the **Commissioner of Insurance** on August 4, 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 questions regarding this matter may now be directed to Dawn Bopp at [dbopp@idoi.in.gov](mailto:dbopp@idoi.in.gov).

/s/Reuben B. Hill

Reuben B. Hill, Esq.

Administrative Law Judge

**Distributed to Parties:**

Aaron McLaughlin  
460 Penn Ave.  
Fort Wayne, IN 46805

Victoria Hastings, Attorney  
[Vhastings@idoi.in.gov](mailto: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](mailto:dbopp@idoi.in.gov)

STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF MARION    )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 19778-AG20-1014-186

IN THE MATTER OF:     )

Aaron McLaughlin     )  
460 Penn Ave.,        )  
Fort Wayne, IN 46805    )

Respondent.            )

Type of Agency Action: Enforcement    )

License Number: 557634                 )

**FILED**

**JAN 20 2021**

STATE OF INDIANA  
DEPT. OF INSURANCE

**ADMINISTRATIVE ORDER AND**  
**NOTICE OF NONRENEWAL OF LICENSE**

The Indiana Department of Insurance ("Department"), pursuant to 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 Aaron McLaughlin, ("Respondent") of the following Administrative Order:

1. Respondent is a licensed resident insurance producer holding license number 557634 since September 6, 2007 ("Respondent's license").

2. Respondent's license expired on August 31, 2020.

3. On or about August 24, 2020, Respondent submitted an application to renew his producer license.

4. On that application Respondent disclosed the following criminal charges, which were not timely reported to the Department:

- a. Domestic Battery, a Class A Misdemeanor;
- b. Interference with the Reporting of Crime, a Class A Misdemeanor;
- c. Criminal Confinement with Bodily Injury, a Level 5 Felony; and



d. Strangulation, a Level 6 Felony.

5. Respondent was charged with the aforementioned criminal charges on March 4, 2020, in the Allen County Superior Court in Indiana.

6. Respondent's initial hearing in the criminal matter was held on March 6, 2020.

7. On or around August 4, 2020, Respondent pled guilty to and was convicted of Criminal Confinement with Bodily Injury, a Level 5 Felony; Strangulation, a Level 6 Felony; and Domestic Battery, a Class A Misdemeanor.

8. Indiana Code § 27-1-15.6-12(b)(2)(A) provides, in part, that the Commissioner may refuse to renew an insurance producer's license for violating an insurance law.

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

10. Indiana Code § 27-1-15.6-12(b)(6) provides, in part, that the Commissioner may refuse to renew an insurance producer's license for having been convicted of a felony.

11. Indiana Code § 27-1-15.6-12(b)(8) provides, in part, that the Commissioner may refuse to renew an insurance producer's license for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.

12. Indiana Code § 27-1-15.6-12(d) requires the Commissioner to notify a licensee of the reason for the nonrenewal of his license. This Order serves as that notice.

13. 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.

14. 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 **his license shall not be renewed** due to his failure to timely report his criminal proceedings the Department, and due to his criminal convictions including two (2) felonies.

1-20-2021  
Date Signed

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

Victoria Hastings, Attorney  
ATTN: Calla Dain, Insurance Investigator  
Indiana Department of Insurance  
311 West Washington St., Suite 103  
Indianapolis, Indiana 46204-2787

Aaron McLaughlin  
460 Penn Ave.,  
Fort Wayne, IN 46805