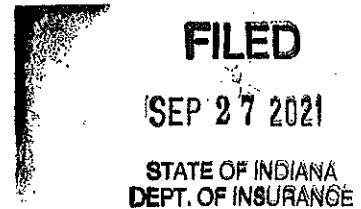


STATE OF INDIANA
COUNTY OF MARION) SS:
)

IN THE MATTER OF:)
)
 Tarpeh Walker)
 1912 Copper Beach Way, Apt. C)
 Bloomington, IN 47403)
)
 Respondent.) CAUSE NO.: 20100-AD20-1215-164
) DOI-0321-000719
)
 Type of Agency Action: Enforcement)
)
 License Application Number: 832215)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE



FINAL ORDER

On June 30, 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 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:

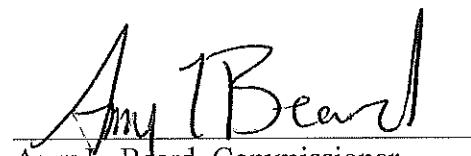
IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Respondent's Indiana resident producer license under license application

number 832215 is **GRANTED**.

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 27 day of September, 2021.



Amy L. Beard, Commissioner
Indiana Department of Insurance

Copies to:

Tarpeh Walker
912 Copper Beach Way, Apt. C
Bloomington, IN 47403

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.



STATE OF INDIANA OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

Administrative Cause No.: DOI-0321-000719
Underlying/State Agency Action No.: DOI-20100-AD20-1215-164

FILED: June 30, 2021

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

Tarpeh Walker (License No. 699273)
Petitioner,

v.

Indiana Department of Insurance
Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW

AND RECOMMENDED ORDER

Administrative Law Judge Reuben B. Hill ("ALJ"), having heard, reviewed and considered all of the evidence, now renders a decision concerning the matter of Tarpeh Walker. ("Petitioner").

This matter came to be heard by ALJ on April 20, 2021, at 10:00 a.m. via audio conferencing. Petitioner appeared telephonically, and without counsel. Enforcement Division of

the Indiana Department of Insurance (“Department”) was represented by counsel, Victoria Hastings. 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 his application for a Resident Producer License on December 8, 2020. (Department’s Exhibit 1)
2. Petitioner answered “yes” to the application question that asks “Have you ever been convicted of a misdemeanor?” (Department’s Exhibit 1)
3. Petitioner answered “yes” to criminal history and failed to upload the corresponding documents relating to his criminal conviction.
4. Petitioner was convicted of Theft, a Class A Misdemeanor, on November 21, 2019, in Indiana. (Department’s Exhibits 2, 3)
5. Petitioner failed to fully disclose his criminal history on his application to the Department. (Department’s Exhibits 1,2)
6. Petitioner was denied license due to his theft conviction and for his failure to fully disclose it on his application for license. (Departments Exhibits 1, 2)
7. Petitioner testified at the hearing that when he was filling out the application, it was his first time going through this process and did not intend to deceive the Department.
8. Petitioner testified that he did upload documentation concerning his criminal history.
9. Petitioner had a character reference, a Ms. Amanda Peterson, testify at the hearing.
10. Ms. Peterson testified that Petitioner has been extremely respectful and on time.
11. Ms. Peterson testified that Petitioner has been an exemplary citizen.
12. Petitioner testified that he is enrolled in business classes at Ivy Tech and will be graduating December 2021.
13. Petitioner was approximately nineteen (19) years old at the time of committing the offense. (Department’s Exhibit 1,3)
14. Petitioner is now approximately twenty-three (23) years old. (Department’s Exhibit 1)

15. 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 an Insurance Producer License, due to a number of factors.
4. Indiana Code 27-1-15.6-12(b)(1) allows the Commissioner to deny 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)(8) allows the Commissioner to deny 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.
6. Petitioner failed to fully disclose his criminal history on his application for license. Facts in mitigation include Petitioner's remorseful and sincere demeanor, Petitioner's youth at the time the offense occurred, the age of the conviction, and the fact that Petitioner's answer, "yes" on the application regarding his criminal history.
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 him a Resident Producer License and, therefore, bears the burden.
8. Pursuant to Indiana Code 27-1-15.6-12(d), a hearing was held to determine the reasonableness of the Commissioner's decision, due to mitigating factors, Petitioner should be granted a license.
9. 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. That Petitioner's application under License Application Number 832215 for an Indiana Resident Producer License should be **GRANTED**.

ALL OF WHICH IS FOUND by the Administrative Law Judge and recommended to the **Commissioner of Insurance** on June 30, 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 then issue a final order to all parties.

Any questions regarding this matter should 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:

Tarpeh Walker – Petitioner and served by U.S. Postal Mail at 912 Copper Beach Way, Apt. C / Bloomington, IN 47403.

Victoria Hastings – Respondent's Attorney; served by email to the email address on file with the Indiana Roll of Attorneys, Vhastings@idoi.in.gov.

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



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

Administrative Cause No.: DOI-0321-000719

Underlying/State Agency Action No.: 20100-AD20-1215-164

Final Agency Authority: The Commissioner of the Department of Insurance

Tarpeh Walker
Petitioner,

v.

Department of Insurance
Respondent.

Issued: March 18, 2021



File Dated: March 18th, 2021

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, April 20, 2021**

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

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: 727 050 633#

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: March 18, 2021

/S/ Reuben B. Hill

Hon. Reuben B. Hill
Administrative Law Judge
Indiana Office of Administrative Law Proceedings
402 W. Washington Street, Room W-161
Indianapolis, IN 46204

Distributed to Parties:

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

Tarpeh Walker – Petitioner, served by U.S. Postal Mail at 912 Copper Beach Way, Apartment C, Bloomington, IN 47403

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.

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

IN THE MATTER OF:)
)
)
Tarpeh Walker)
912 Copper Beech Way, Apt. C)
Bloomington, IN 47403)
)
)
Applicant.)
)
)
Type of Agency Action: Enforcement)
)
)
License Application #: 832215)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
CAUSE NO.: 20100-AD20-1215-164

FILED

MAR 04 2021

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 Tarpeh Walker (“Applicant”) of the following Administrative Order:

1. Applicant filed an application for resident producer licensure with the Commissioner of the Indiana Department of Insurance (“Commissioner”) on December 9, 2020.
2. Before approving an application, the Commissioner must find that the applicant has met specific requirements under Indiana Code § 27-1-15.6-6 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)(8) provides, in part, that the Commissioner may refuse to issue a producer license for using fraudulent, coercive, or dishonest practices, or



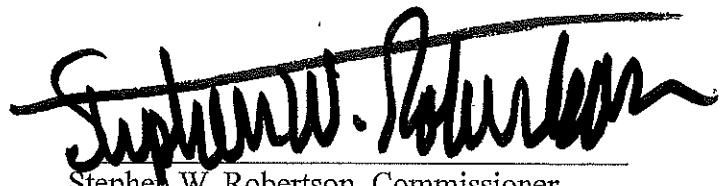
demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.

5. Following a review of materials submitted by Applicant in support of his application, the Commissioner being fully advised, now hereby notifies Applicant that he has not fully met the requirements of licensure as stated by Indiana Code § 27-1-15.6-12(b)(1) due to Applicant's failure to disclose a November 21, 2019, conviction for Theft, a Class A Misdemeanor.
6. Following a review of materials submitted by Applicant in support of his application, the Commissioner being fully advised, now hereby notifies Applicant that he has not fully met the requirements of licensure as stated by Indiana Codes § 27-1-15.6-12(b)(8) due to Applicant's criminal history, which includes a November 21, 2019, conviction for Theft, a Class A Misdemeanor.
7. 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.
8. 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)(8) due to Applicant's criminal history, which includes a recent conviction for a crime of dishonesty, and for Applicant's failure to disclose the same. Applicant may reapply for licensure not less than one (1) year from the date of this order.

3-4-2021

Date Signed



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution to:

Tarpeh Walker
912 S. Copper Beech Way, Apt C
Bloomington, IN 47403

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