

STATE OF INDIANA)

) SS:

COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 20524-AD21-0521-087

IN THE MATTER OF:)

Nelson Tuatagaloa)

2541 W Country Bend Dr.)

South Jordan, UT 84095)

Applicant.)

Type of Agency Action: Enforcement)

License Application #: 853234)

FILED

JUL 19 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 Nelson Tuatagaloa ("Applicant") of the following Administrative Order:


1. Applicant filed an application for nonresident producer licensure with the Commissioner of the Indiana Department of Insurance ("Commissioner") on March 19, 2021.
2. Before approving an application, the Commissioner must find that the applicant has met specific requirements under Indiana Code § 27-1-15.6-8 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)(6) provides, in part, that the Commissioner may refuse to issue an insurance producer license for having been convicted of a felony.

5. Indiana Code § 27-1-15.6-12(b)(9) provides, in part, that the Commissioner may refuse to issue an insurance producer license for having an insurance producer license, or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory.
6. Following a review of public records and the 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)(1) and 27-1-15.6-12(b)(6) due to Applicant's criminal history, which includes a March 25, 2010, conviction on two (2) counts of Custodial Sexual Relations, a 3rd Degree Felony; and for Applicant's failure to disclose the same on his application for licensure.
7. Following a review of public records and the 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)(1) and 27-1-15.6-12(b)(9) due to Applicant's June 15, 2020 administrative action from the State of South Dakota, wherein Applicant was denied licensure due to his criminal history; and due to Applicant's failure to disclose the South Dakota administrative action and a December 5, 2019 administrative action from the State of Indiana on Applicant's 2021 application for licensure.
8. 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.
9. 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), 27-1-15.6-12(b)(6), and 27-1-15.6-12(b)(9) due to Applicant's felony conviction, and for Applicant's failure to disclose the same and two administrative actions, one of which involved a license denial, on his application for licensure. Applicant may reapply for licensure not less than one (1) year from the date of this order.

7 / 19 / 21
Date Signed


Amy L. Beard, Commissioner
Indiana Department of Insurance

Distribution to:

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