

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 20797-AD21-0805-120

IN THE MATTER OF:)
)
Michael Kaim)
18202 Sunbrook Way,)
Westfield, IN 46074)
)
Applicant.)
)
Type of Agency Action: Enforcement)
)
License Application #: 886186)

FILED

AUG 23 2021

STATE OF INDIANA
DEPT. OF INSURANCE

AMENDED PRELIMINARY ADMINISTRATIVE ORDER
AND NOTICE OF LICENSE DENIAL

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 Michael Kaim (“Applicant”) of the following Amended Administrative Order:

1. Applicant submitted an application for resident producer licensure with the Commissioner of the Indiana Department of Insurance (“Commissioner”) on July 26, 2021.
2. On said application, Applicant disclosed that on or around September 18, 2018, he was convicted on one (1) count in the United States District Court, Southern District of Indiana, of Deprivation of Rights Under Color of Law.
3. On August 20, 2021, the Commissioner issued a Preliminary Administrative Order and Notice of License Denial against Applicant due to Applicant’s criminal history, and mistakenly cited to Indiana Code § 27-1-15.6-12(b)(6) as the basis for the denial.

4. The August 20, 2021, Preliminary Administrative Order and Notice of License Denial incorrectly listed Applicant's criminal conviction as a felony conviction.
5. The Enforcement Division received confirmation that Applicant's September 17, 2018, conviction for Deprivation of Rights Under Color of Law, is a Class A Misdemeanor.
6. 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.
7. Indiana Code § 27-1-15.6-12(b)(8) provides, in part, that the Commissioner may refuse to issue 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.
8. Following a review of public records and the materials submitted by the Applicant, 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)(8), due to Applicant's criminal history, specifically, Applicant's September 18, 2018, conviction for Deprivation of Rights Under Color of Law, a Class A Misdemeanor.
9. 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 applicant's application is mailed, make written demand to the Commissioner for a hearing before the Commissioner to determine the reasonableness of the Commissioner's action.
10. 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 Code § 27-1-15.6-12(b)(8), due to Applicant's criminal history, including his conviction for Deprivation of Rights Under Color of Law, a Class A Misdemeanor. Applicant may reapply for licensure not less than one (1) year from the date of this order.

8/23/21
Date Signed


Amy L. Beard, Commissioner
Indiana Department of Insurance

Distribution:

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