

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

DOI CAUSE NO: 20870-AD21-0824-131
ADMINISTRATIVE CAUSE NO.: DOI-1021-002045

IN THE MATTER OF:

Shayna Walton
321 West 2nd Street
Peru, IN 46970

Applicant.

License Application #: 894809

Type of Agency Action: Enforcement

FILED

JAN 13 2022

STATE OF INDIANA
DEPT. OF INSURANCE

DEPARTMENT'S MOTION TO CORRECT ERRORS

COMES NOW the Enforcement Division of the Indiana Department of Insurance ("Department"), by counsel, Samantha Aldridge, pursuant to Indiana Code §4-21.5-2-31(d), and respectfully requests Amy L. Beard, Commissioner of the Indiana Department of Insurance ("Commissioner") vacate the Final Order issued January 4, 2022 due to clerical errors. In support, the Department shows:


1. Shayna Walton ("Petitioner") is an applicant for licensure with license application # 894809.
2. The Final Order refers to Petitioner's application # 894809 as "License Number" in error as Petitioner is not licensed in the State of Indiana nor is the aforementioned number associated with any insurance license number in the State of Indiana.
3. The Final Order refuses to "renew Petitioner's nonresident producer license" in error.

4. The Petitioner is not licensed in the State of Indiana; the action sought and argued at evidentiary hearing, is for denial of Petitioner's application for resident producer license.
5. The Findings of Fact, Conclusions of Law and Recommended Order ("Recommended Order") filed December 3, 2021, is consistent with the recommendation of denial of Petitioner's resident producer license application, but for the erroneous information under "Recommended Default Order" and the labeling of Petitioner's application number as "License Number".
6. The Findings of Fact section of the Recommended Order correctly identifies Petitioner as an applicant for resident producer license. The facts found therein are substantively reflective of the resident producer license sought and the preliminary denial issued.
7. The Conclusions of Law section of the Recommended Order correctly identifies Petitioner as an applicant requesting a resident producer license. The conclusions of law all concern Commissioner's ability to refuse to issue license and finds Petitioner failed to meet the burden of proving the Commissioner's initial denial was unreasonable; the conclusions are consistent with a recommended denial of a resident producer license.
8. The Recommended Order filed December 3, 2021, is also consistent with the Department's proposed Findings of Fact, Conclusions of Law and Recommended Order filed on November 23, 2021 with the exception of the erroneous information under "Recommended Default Order" and the labeling of Petitioner's application number as "License Number".

9. The Department believes the errors, the license application number listed as a license number and the "Recommended Default Order" refusing to renew nonresident producer license, are clerical in nature as the Final Order is inconsistent with Petitioner's status as a resident producer applicant, the action at issue is a denial, and the substantive portion of the Recommended Order is consistent with a denial of a resident producer license.

WHEREFORE, the Department respectfully requests that the Commissioner vacate the Final Order issued January 4, 2022 and issue an Amended Final Order affirming the denial of Petitioner's resident producer application number 894809.

Respectfully submitted,


Samantha Aldridge, #35162-49
Indiana Department of Insurance

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served upon the following Petitioner by email, the same day as filing.

Shayna Walton
Swalton.globelife@gmail.com


Samantha Aldridge, Attorney #35162-49

COUNTY OF MARION

) SS:
)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

IN THE MATTER OF:

Shayna Walton
321 West 2nd Street
Peru, IN 46907

Petitioner

Type of Agency Action: Enforcement)

FILED

FEB 11 2022

STATE OF INDIANA
DEPT. OF INSURANCE

CAUSE NO.: DOI-1021-002054
20870-AD21-0824-131

MODIFIED FINAL ORDER

1. On December 3, 2021, the Administrative Law Judge, Reuben B. Hill, filed his Findings of Fact, Conclusions of Law and Recommended Order (the “Recommended Order”) in the above-captioned matter.

2. On January 4, 2022, the Commissioner of Insurance issued a Final Order, adopting the Recommended Order in full and affirming the refusal “to renew Petitioner’s nonresident producer license under license number 894809” set forth in the Recommended Order.

3. On January 13, 2022, counsel for the Department filed a Motion to Correct Errors (the “Motion”). The Motion identified clerical errors set forth in the Recommended Order which were affirmed by the Final Order; namely, that the Petitioner had submitted an application for a resident producer license, but the Recommended Order and the Final Order identified the license as a nonresident producer license.

4. The Motion further stated that the license application number was listed as a license number in the Recommended Order and the Final Order in error, as the Petitioner was not a licensed insurance producer.

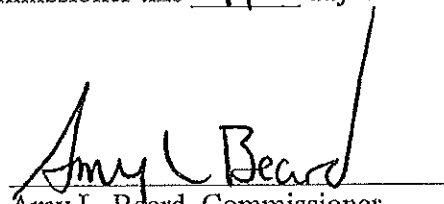
5. The Recommended Order otherwise correctly identifies the Petitioner as an applicant requesting a resident producer license and is consistent with the recommendation of denial of Petitioner's resident producer license application, but for the clerical errors.

6. Under Ind. Code § 4-21.5-3-31(d), the Commissioner may modify the Final Order to correct clerical mistakes and other errors resulting from oversight or omission on the motion of any party.

Therefore, the Commissioner of Insurance, being fully advised, now hereby issues the following Modified Final Order, which corrects clerical errors in the Final Order:

1. The sentence, "Refusal to renew Petitioner's nonresident producer license under license number 894809 is **AFFIRMED**" is replaced in its entirety with the following sentence: "Denial of Petitioner's resident producer license application under license application number 894809 is **AFFIRMED**."
2. Except as set forth in Paragraph 1, the Modified Final Order does not modify any other provisions of the Final Order.

ALL OF WHICH IS ORDERED by the Commissioner this 11 day of February, 2022.



Amy L. Beard, Commissioner
Indiana Department of Insurance

Copies to:

Shayna Walton
321 West 2nd Street
Peru, IN 46907

Samantha Aldridge, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204

STATE OF INDIANA)
COUNTY OF MARION) SS:

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

IN THE MATTER OF:)
)
Shayna Walton)
321 West 2nd Street)
Peru, IN 46907)
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Petitioner)
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Type of Agency Action: Enforcement)
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CAUSE NO.: DOI-1021-002054
20870-AD21-0824-131

FILED

JAN 04 2022

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On December 3, 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 her 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 nonresident producer license under license number 894809 is **AFFIRMED**.

Under Ind. Code §4-21.5-5-5, Petitioner 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 4 day of January, 2022.


Amy L. Beard, Commissioner
Indiana Department of Insurance

Copies to:

Shayna Walton
321 West 2nd Street
Peru, IN 46907

Samantha Aldridge, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 20870-AD21-0824-131

IN THE MATTER OF:)

Shayna Walton)
321 West 2nd Street,)
Peru, IN 46970)

Applicant.)

Type of Agency Action: Enforcement)

License Application #: 894809)

FILED

SEP 28 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 Shayna Walton ("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 August 19, 2021.
2. Before approving an application, the Commissioner must find that the applicant has met specific requirements under Indiana Code § 27-1-15.6-6 and Indiana Code § 27-1-15.6-12.
3. 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.
4. 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.

5. Following a review of materials submitted by Applicant in support of her application, the Commissioner being fully advised, now hereby notifies Applicant that she has not fully met the requirements of licensure as stated by Indiana Codes §§ 27-1-15.6-12(b)(6) and 27-1-15.6-12(b)(8) due to Applicant's criminal history, which includes the following disclosed felony and misdemeanor convictions:
 - a. February 2, 2021, conviction for Theft, a Class A Misdemeanor;
 - b. July 6, 2020, conviction for Possession of Meth, a Level 6 Felony;
 - c. August 9, 2018, conviction for Unlawful Possession of Syringe, a Level 6 Felony;
 - d. February 13, 2014, conviction for Battery, a Class A Misdemeanor;
6. 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.
7. 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)(6) and 27-1-15.6-12(b)(8), due to Applicant's criminal history, which includes two (2) felony convictions and two (2) misdemeanor convictions. Applicant may reapply for licensure not less than one (1) year from the date of this order.

9/28/21

Date Signed



Amy L. Beard, Commissioner
Indiana Department of Insurance

Distribution to:

Shayna Walton
321 West 2nd St.,
Peru, IN 46970

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

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: December
3, 2021

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

Administrative Cause No.: DOI-1021-002054
Underlying/State Agency Action No.: 20870-AD21-0824-131

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

Shayna Walton
Petitioner,

v.
Indiana Department of Insurance
Respondent.

Type of Agency Action: Enforcement
License Number: 894809

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND RECOMMENDED ORDER**

The Enforcement Division of the Indiana Department of Insurance ("Department") was represented by counsel, Samantha Aldridge. This matter came to be heard by Administrative Law Judge ("ALJ") Reuben Hill on October 28, 2021, at 10:00 a.m. ET via audio conferencing at the Indiana Department of Insurance, 311 West Washington Street, Indianapolis, Indiana. Shayna Walton (Petitioner) appeared telephonically, and without counsel, for the hearing. 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 and Conclusions of Law and issues his Recommended Default Order.

FINDINGS OF FACT

1. Applicant submitted an application for a resident producer license on August 19, 2021. (Hearing Transcript p. 35)
2. On Applicant's application for licensure, Applicant disclosed having two felony and two misdemeanor convictions. (Hearing Transcript p. 35-37)
3. The Commissioner entered her Preliminary Administrative Order and Notice of License Denial on September 28, 2021, due to Applicant's criminal history, including felony convictions, which demonstrate coercive and dishonest practices and untrustworthiness or financial irresponsibility. (Department's Exhibit 8)
4. A hearing was held at Applicant's request on October 28, 2021.
5. On or around July 2, 2020, Applicant was convicted of Possession of Methamphetamine, a Level 6 Felony, and was terminated from Drug Court for violations including eight positive drug screens. (Department's Exhibit 2)
6. For Applicant's 2020 felony conviction, the underlying incident occurred on or around June 13, 2019. (Department's Exhibit 1)
7. For Applicant's 2020 felony conviction, Applicant was sentenced to 552 days in the Miami County Jail. (Department's Exhibit 2)
8. Applicant disclosed a second felony conviction from 2018. (Hearing Transcript, p. 37)
9. Applicant was convicted on or about August 2, 2018, of Unlawful Possession of a Syringe, a Level 6 Felony. (Hearing Transcript, p. 55; Department's Exhibit 3)
10. For Applicant's 2018 conviction, Applicant was sentenced to one year with 40 days executed, credit for time served and the remaining time on probation. (Department's Exhibit 4)

11. On or about October 18, 2018, Applicant was found to have violated probation for which the Court revoked 28 days of suspended sentence time and ordered a more intensive drug and alcohol treatment and counseling. (Department's Exhibit 3)

12. Applicant disclosed a misdemeanor conviction from 2014. (Department's Exhibit 5)

13. Applicant was convicted on or about February 13, 2014, of Battery, a B Misdemeanor. (Hearing transcript p. 56-57; Department's Exhibits 5 and 6)

14. For Applicant's 2014 conviction, Applicant was sentenced to 180 days of non-reporting probation. (Department's Exhibit 6)

15. Applicant also disclosed a misdemeanor conviction from 2021. (Hearing Transcript p. 35)

16. Applicant was convicted on or about February 2, 2021, of Theft, an A Misdemeanor. (Hearing transcript p. 35; Department's Exhibit 7)

17. For Applicant's 2021 conviction, Applicant was sentenced to 365 days with 2 days jail credit and 363 days suspended to probation. (Department's Exhibit 7)

18. Applicant called one witness, Vince Darland ("Mr. Darland"), an addictions pastor. (Hearing transcript p. 21)

19. Mr. Darland testified he does not have specialized training in addiction counseling or treatment, nor does he have any state or medical licensure. (Hearing transcript p. 24-25)

20. When asked by the Applicant if Applicant's recent theft conviction is a direct reflection of her character, Mr. Darland responded "I guess the most honest way I can answer that is I don't believe that's who you want to be". (Hearing transcript p. 30)

21. Applicant admitted no exhibits at the hearing.

22. The Department admitted eight (8) exhibits at the hearing. Department's Exhibit 1

is the Chronological Case Summary for Applicant's 2020 felony conviction. Department's Exhibit 2 is the charging information and sentencing orders for Applicant's 2020 felony conviction. Department's Exhibit 3 is the Chronological Case Summary for Applicant's 2018 felony conviction. Department's Exhibit 4 is the charging information and sentencing orders for Applicant's 2018 felony conviction. Department's Exhibit 5 is the Chronological Case Summary for Applicant's 2014 misdemeanor conviction. Department's Exhibit 6 is the charging information and sentencing orders for Applicant's 2012 misdemeanor conviction. Department's Exhibit 7 is the Chronological Case Summary for Applicant's 2021 misdemeanor conviction. Department's Exhibit 8 was a Preliminary Administrative Order and Notice of License Denial from September 28, 2021.

23. 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, in part, that the Commissioner may refuse to issue or renew an insurance producer's license, due to a number of factors.

4. Specifically, Indiana Code § 27-1-15.6-12(b)(6) allows the Commissioner to refuse to issue or renew an insurance producer's license for having been convicted of a felony.

5. Applicant disclosed two felony convictions from 2018 and 2020, in violation of Indiana Code § 27-1-15.6-12(b)(6).

6. Indiana Code § 27-1-15.6-12(b)(8) allows the Commissioner to refuse to issue a 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.

7. Applicant has a criminal history, including her 2014 Battery B Misdemeanor conviction and her 2021 Theft A Misdemeanor conviction, in violation of Indiana Code § 27-1-15.6-12(b)(8).

8. 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. Here, Applicant is requesting the Department issue her a resident producer license and, therefore, bears the burden.

9. Pursuant to Indiana Code § 27-1-15.6-12(d), a hearing was held to determine the reasonableness of the Commissioner's decision. Applicant failed to meet her burden of proving the Commissioner's decision was unreasonable.

10. Findings of Fact that can be adopted as Conclusions of Law are hereby incorporated herein as such.

RECOMMENDED DEFAULT 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 nonresident producer license under license number 894809 shall be **AFFIRMED**.

ALL OF WHICH FOUND by the Administrative Law Judge and recommended to the **Commissioner of Insurance** on December 3, 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 for the Final Order, 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.

/s/Reuben B. Hill
Reuben B. Hill, Esq.
Administrative Law Judge

Distributed to Parties:

Shayna E. Walton
321 West 2nd Street
Peru, IN 46907

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saldridge@idoi.in.gov

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