

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

IN THE MATTER OF:)
)
Robert Glenn)
)
Respondent)
)
Type of Agency Action:Enforcement)
)

FILED

MAY 20 2022

CAUSE NO.: DOI-2201-000112
20301-AG21-0315-061

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On April 1, 2022, the Administrative Law Judge, Ann Pagonis, filed her 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 Default Order and Notice of Filing Recommended Default Order on Respondent by emailing the same to his email 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 Default Order, and more than eighteen (18) days have elapsed.

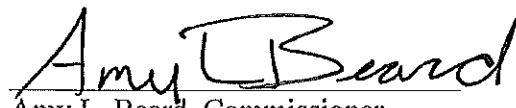
Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Default Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Respondent's nonresident producer license number 3487538 is **permanently
revoked.**

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 20 day of May, 2022.


Amy L. Beard, Commissioner
Indiana Department of Insurance

Copies to:

Robert Glenn served by email at eric.glenn@vsp.com

Samantha Aldridge, Attorney and Victoria Hastings, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204
saldrige@idoi.in.gov and vhastings@idoi.in.gov

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: April 1, 2022

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

Administrative Cause No.: DOI-2201-000112
Underlying/State Agency Action No.: 20301-AG21-0315-061

Final Agency Authority: Commissioner of the Department of Insurance

Department of Insurance
Petitioner,

v.

Robert Glenn
Respondent.

Type of Agency Action: Enforcement

License #: 3487538

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

An evidentiary hearing was held on this matter on March 1, 2022, at 10:00 am ET via telephonic conference. The Indiana Department of Insurance ("Petitioner") appeared by counsel, Samantha Aldridge, and Robert Glenn ("Respondent") did not appear. The undersigned Administrative Law Judge ("ALJ") for the Office of Administrative Law Proceedings ("OALP") commenced the hearing at 10:15 am EST, at which time Petitioner moved for Respondent to be defaulted and entered evidence into the record.

Petitioner called Kimberly Stowers, investigator for the Department of Insurance, as a witness and offered three (3) exhibits that were admitted into the record without objection and identified as Petitioner's Exhibits ("PX") 1 through 3.

- PX 1 is a two (2) page National Association of Insurance Commissioners State Licensing Report.
- PX 2 is a one (1) page California Department of Insurance license status details for the license of Respondent.
- PX 3 is five (5) page Notice of Revocation Order from Louisiana Department of Insurance for the license of Petitioner.

Based upon the evidence presented at said hearing, the ALJ now makes and issues the following Findings of Fact, Conclusions of Law, and Recommended Default Order.

FINDINGS OF FACT

Regarding Default

1. On January 24, 2022, Petitioner served a *Statement of Charges* on Respondent by United States first class mail. OALP has not received any indication that Respondent did not receive the *Statement of Charges*.
2. In the *Combined Notice of ALJ and Filing Procedures and Order Setting Evidentiary Hearing ("Order")* issued on January 24, 2022, and served on Respondent by United States first class mail, an evidentiary hearing by telephonic conference was scheduled for March 1, 2022, at 10:00 am EST.
3. Petitioner was present by counsel by telephone at the evidentiary hearing and Respondent was not present.
4. The evidentiary hearing telephonic conference line remained open from 10:00 am EST to approximately 10:32 am EST and Respondent did not appear.
5. Petitioner entered evidence into the record and moved for Respondent to be held in default.
6. Respondent did not file a motion to continue the evidentiary hearing, and there is no indication that service of the Order was not perfected on Respondent.
7. A *Notice of Proposed Default Order ("Notice")* was issued on March 1, 2022.
8. In the Notice, a seven (7) day deadline for Respondent to file a motion for the case to remain open was set.

9. Twenty-four (24) days have passed since the deadline. Respondent did not meet the deadline. No motion to continue the deadline has been filed, and there is no indication that service of the Notice was not perfected on Respondent.

Regarding the Merits

10. Respondent is a nonresident insurance producer who lives in Ohio. Respondent's Indiana nonresident insurance producer license is set to expire on September 30, 2022. (PX 1, Kimberly testimony.)
11. On May 29, 2020, the California Department of Insurance commenced an administrative proceeding against Respondent because of Respondent's criminal history. The California Department of Insurance placed Respondent's license on probation. (PX 1.)
12. Respondent did not provide the Commissioner of the Indiana Department of Insurance ("Commissioner") with notice of the California administrative action within thirty (30) days of the Respondent receiving notice of the action. (Kimberly testimony.)
13. On December 18, 2020, the Louisiana Department of Insurance revoked Petitioner's Louisiana Insurance Producer license, effective January 17, 2021. The reason for the revocation was that Petitioner failed to report the California administrative action to the Commissioner of the Louisiana Department of Insurance timely. (Kimberly testimony.)
14. Respondent did not timely report the Louisiana administrative action to the Commissioner. (Kimberly testimony.)
15. Any Conclusion of Law that should have been a Finding of Fact is hereby adopted as such.

CONCLUSIONS OF LAW

Regarding Default

1. A hearing was held pursuant to Indiana Code 27-1-15.6-12(b)(2)(A) to determine the reasonableness of the Commissioner's decision to permanently revoke Respondent's nonresident producer license.
2. A party may be held in default when a party fails to "to attend or participate in a pre-hearing conference, hearing, or other later stage of the proceeding." Indiana Code 4-21.5-3-24.

3. Respondent failed to attend the evidentiary hearing and therefore holding Respondent in default is appropriate pursuant to Indiana Code 4-21.5-3-24(a)(4).
4. The ALJ issued a *Notice of Proposed Default Order* as required by Indiana Code 4-21.5-3-24; however, Respondent did not file any response to it. Indiana Code 4-21.5-3-24(b).

Regarding the Merits

5. Insurance producers are required to report any administrative action taken against them to the Commissioner within thirty (30) days of the final disposition of the matter. Indiana Code 27-1-15.6-17(a). Respondent did not report the California administrative action or the Louisiana administrative action to the Commissioner.
6. The Commissioner is authorized to permanently revoke the license of an insurance producer if that person's insurance producer license has been revoked in any other state. Indiana Code 27-1-15.6-12(b)(9) Respondent's insurance producer license was revoked by Louisiana.
7. The person requesting that an agency act has the burden of persuasion and the burden of going forward. Indiana Code 4-21.5-3-14(c). Petitioner requested that Respondent's license be permanently revoked therefore Petitioner bears the burden of proof.
8. Petitioner met its burden of proving that Respondent failed to notify the Commission of two (2) administrative actions in violation of Indiana Code 27-1-15.6-17(b).
9. The decision to suspend Respondent's nonresident producer license because he violated an insurance law and because his license was revoked in another state is reasonable.
10. Any Finding of Fact that should have been a Conclusion of Law is hereby adopted 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 the Department of Insurance** that Respondent's nonresident producer license number 3487538 be permanently revoked.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner of Insurance. This recommended order is not final.

This matter is now before the ultimate authority, the Commissioner of the Department 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 fifteen (15) days from the date of this Order. IC 4-21.5-3-29

Any questions regarding this matter may now be directed to Dawn Bopp at dbopp@idoi.in.gov.

SO ORDERED: April 1, 2022



Hon. Ann Pagonis
Administrative Law Judge
Indiana Office of Administrative Law Proceedings
100 N. Senate Ave. Rm. N-802
Indianapolis, IN 46204

Distributed to Parties:

Indiana Department of Insurance – Petitioner, served by Counsels Samantha Aldridge and Victoria Hastings by E-Mail at saldridge@idoi.in.gov and vhastings@idoi.in.gov

Robert Glenn – Respondent, served by email at eric.glenn@vsp.com

Additional Distribution to Non-Party:

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



Filed January 24, 2022

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 20301-AG21-0315-061

IN THE MATTER OF:)
)
Robert Eric Glenn)
1603 Tyler Avenue, Apt. A)
Pickerington, OH 43147)
)
Respondent.)
)
Type of Agency Action: Enforcement)
)
License Number: 3487538)

STATEMENT OF CHARGES

The Enforcement Division of the Indiana Department of Insurance (“Department”), by counsel, Samantha Aldridge, pursuant to the Indiana Administrative Orders and Procedures Act, Indiana Code § 4-21.5 *et seq.* and Indiana Code § 27-1-15.6-12, files its Statement of Charges against Robert Eric Glenn (“Respondent”), as follows:

FACTS

1. Respondent’s Indiana nonresident producer license was first issued on or around October 17, 2019.
2. Respondent’s Indiana nonresident producer license is set to expire on September 30, 2022.
3. On or around May 29, 2020, the California Department of Insurance took administrative action against Respondent, placing Respondent’s license on probation, due to his criminal history.
4. Respondent failed to report California’s administrative action to the Department.

5. On February 5, 2021, the Louisiana Department of Insurance took administrative action against Respondent wherein Respondent's license was revoked due to failure to report California's administrative action.
6. Respondent failed to report Louisiana's administrative action to the Department.

CHARGES

COUNT I

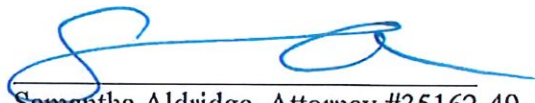
1. Averments 1 through 6 are incorporated fully herein by reference.
2. Respondent's conduct is in violation of Indiana Code § 27-1-15.6-12(b)(2)(A), which provides in part, that the Commissioner may permanently revoke an insurance producer's license for violating an insurance law.
3. Respondent's conduct is in violation of Indiana Code § 27-1-15.6-17(a), which is an insurance law, that provides that not more than thirty (30) days after the final disposition of a matter, a producer shall report to the Commissioner any administrative action taken against the producer in another jurisdiction or by another governmental agency.
4. Indiana Code § 27-1-15.6-12(b)(9) states, in part, that the Commissioner may permanently revoke an insurance producer's license for having an insurance producer license, or its equivalent, revoked in any other state, province, district, or territory.

This is considered an agency action. This action has been initiated by the aforementioned authority. The State of Indiana Office of Administrative Law Proceedings ("OALP") will assign an administrative law judge to preside over this matter. You will be contacted by the OALP with more information to begin the administrative process.

WHEREFORE, the Enforcement Division of the Indiana Department of Insurance, by counsel, Samantha Aldridge, respectfully requests that the Commissioner set this matter for a hearing pursuant to Indiana Code § 4-21.5 and:

1. Issue an order permanently revoking Respondent's nonresident producer license number 3487538; and
2. All other relief just and proper upon the premises.

Respectfully submitted,




Samantha Aldridge, Attorney #35162-49
Enforcement Division
Indiana Department of Insurance
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204-2787
Telephone: (317) 234-2101
Facsimile: (317) 232-5251

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served upon the following Respondent by
United States first class mail, postage prepaid, the same day as filing.

Robert Eric Glenn
1603 Tyler Avenue, Apt. A
Pickerington, OH 43147



Samantha Aldridge
Indiana Department of Insurance