

COUNTY OF MARION

Patrick Hollingsworth
370 Shrine Ct., Ste. B
Valparaiso, IN 46385

Petitioner

Type of Agency Action: Enforcement)

FILED

MAY 04 2022

STATE OF INDIANA
DEPT. OF INSURANCE

CAUSE NO.: DOI-2201-000100
21003-AD21-1203-167

FINAL ORDER

On March 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 Order and Notice of Filing Recommended Order on Petitioner 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. Denial of Petitioner's application for resident producer license under license application number 920890 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 May, 2022.



Amy L. Beard, Commissioner
Indiana Department of Insurance

Copies to:

Patrick Hollingsworth
370 Shrine Ct., Ste. B
Valparaiso, IN 46385

Samantha Aldridge, 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.



FILED: March 1, 2022

STATE OF INDIANA OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

Administrative Cause No.: DOI-2201-000100
Underlying/State Agency Action No.: 21003-AD21-1203-167

Final Agency Authority: Commissioner of the Department of Insurance

Patrick Hollingsworth
Petitioner,

Type of Agency Action: Enforcement

License Application Number: 920890

v.

Indiana Department of Insurance
Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDED ORDER

An evidentiary hearing was held on this matter on February 18, 2022, at 10:00 am EST via telephonic conference. Patrick Hollingsworth ("Petitioner") did not appear to the evidentiary hearing and the Department of Insurance ("Respondent") appeared by counsel Victoria Hastings. The undersigned Administrative Law Judge ("ALJ") for the Office of

Administrative Law Proceedings (OALP) began the hearing at 10:15 am EST, at which time, Respondent moved for Petitioner to be defaulted. The ALJ has considered the motion, and hereby GRANTS Respondent's motion based on the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. In the *Combined Notice of ALJ and Filing Procedures and Order Setting Evidentiary Hearing* ("Order") issued on January 20, 2022, an evidentiary hearing by telephonic conference was scheduled for February 18, 2022, at 10:00 am EST.
2. On February 18, 2022, after allowing Petitioner fifteen (15) minutes to join the conference line, the evidentiary hearing was convened at 10:15 am EST.
3. Respondent was present by counsel by telephone and Petitioner was not present in person or by counsel.
4. The evidentiary hearing telephonic conference line remained open from 10:00 am EST to approximately 10:18 am EST and Petitioner did not appear.
5. Respondent moved for the Petitioner to be held in default.
6. Petitioner did not file a motion to continue the evidentiary hearing, and there is no information that indicating that service of the Order was not perfected on Petitioner.
7. A *Notice of Proposed Default Order* ("Notice") was issued on February 18, 2022.
8. In the Notice, a seven (7) day deadline for Petitioner to file a motion for the case to remain open was set.

9. Eleven (11) days have passed since the missed deadline. Petitioner did not meet the deadline. There was no motion to continue the deadline, and there is no indication that service of the Notice was not perfected on Petitioner.
10. Any Conclusion of Law that should have been a Finding of Fact is hereby adopted as such.

CONCLUSIONS OF LAW

1. 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.
2. 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 the Respondent issue a license, therefore Petitioner bears the burden of proof.
3. Petitioner failed to attend the evidentiary hearing and therefore did not present evidence. Holding Petitioner 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, Petitioner did not file any response to it. Indiana Code 4-21.5-3-24(b).
5. The ALJ now issues this Default Order. Indiana Code 4-21.5-3-24.
6. Any Finding of Fact that should have been a Conclusion of Law is hereby adopted 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 the Department of Insurance** that the denial of Patrick Hollingsworth's application for resident producer licensure under license application number 920890 shall be AFFIRMED.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the **Commissioner of the Department of Insurance** on March 1, 2022. **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 then issue a final order to all parties.

To preserve an objection to this order for judicial review, you must object to the order in a writing that: 1) identifies the basis for your 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 should now be directed to Dawn Bopp at dbopp@idoi.in.gov.



Ann Pagonis
Administrative Law Judge

Distributed to Parties:

Indiana Department of Insurance – Respondent, served by Counsel Samantha Aldridge by E-Mail at saldridge@idoi.in.gov

Patrick Hollingsworth – Petitioner, served by mail at 370 Shrine Ct., Ste. B, Valparaiso, IN 46385

Distributed to Non-Party:

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

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 21003-AD21-1203-167

IN THE MATTER OF:)

Patrick B. Hollingsworth)
370 Shrine Ct., Ste. B)
Valparaiso, IN 46385)

Applicant.)

Type of Agency Action: Enforcement)

License Application #: 920890)

FILED

DEC 21 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 Patrick B. Hollingsworth ("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 October 18, 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's license for having been convicted of a felony.
4. 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 Code § 27-1-15.6-12(b)(6) due to his May 18, 2001, conviction for Carjacking, a Class B Felony.

5. 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.
6. 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)(6) due to Applicant's felony conviction. Applicant may reapply for licensure not less than one (1) year from the date of this order.

12/21/21
Date Signed

Distribution to:

Patrick B. Hollingsworth
370 Shrine Ct., Ste. B
Valparaiso, IN 46385


Amy L. Beard, Commissioner
Indiana Department of Insurance

Victoria Hastings, Attorney
ATTN: Calla Dain, Investigator
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204
317 234-8687, fax 317 234-2103