

) SS:

COUNTY OF MARION

IN THE MATTER OF:

Tricia McGee

Petitioner

Type of Agency Action: Enforcement )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: DOI-0921-001968  
20729-AD21-0716-107

FILED  
SEP 30 2022  
STATE OF INDIANA  
DEPT. OF INSURANCE

## FINAL ORDER

On August 8, 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 emailing 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. Denial of Petitioner's resident producer license application number 879887 is Overturned. Petitioner is now **GRANTED** a resident producer license.

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 30 day of September, 2022.

  
Amy L. Beard, Commissioner  
Indiana Department of Insurance

Copies to:

Tricia McGee  
3890 Stonemeadow Dr.  
Greenwood, IN 46142

Samantha Aldridge, Attorney  
Indiana Department of Insurance  
311 W. Washington St., Suite 103  
Indianapolis, IN 46204  
[saldridge@idoi.in.gov](mailto:saldridge@idoi.in.gov)



FILED: Mar 30, 2022

STATE OF INDIANA  
OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

Tricia McGee

**Petitioner,**

V.

Department of Insurance,

**Respondent.**

Administrative Cause No.: DOI-0921-001968

Underlying Agency Action No.: 20729-AD21-0716-107

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

**NOTICE OF FILING PROCEDURES AND ORDER SETTING EVIDENTIARY HEARING**

Tricia McGee ("Petitioner") appeared pro se and Department of Insurance ("Respondent") appeared by counsel, Victoria Hastings, at an initial prehearing conference on March 30, 2022. The Administrative Law Judge ("ALJ") informed Petitioner of her right to have an evidentiary hearing on the agency action, the right to present her own evidence and the right to cross-examine Respondent's witnesses, and the right to hire an attorney or proceed pro se. The ALJ informed the parties that a party without an attorney will be held to the same burdens of proof and legal standards as a party that does have an attorney.

This Notice informs you of how you may file documents with the ALJ and contact the OALP while your case is pending. **Incorrectly addressed filings may not be processed correctly, resulting in the failure to file.**

1. Your administrative cause number is listed at the top of this Notice.
2. File documents electronically at [OALP@oalp.IN.gov](mailto:OALP@oalp.IN.gov); or

File Documents by postal mail at:

Office of Administrative Law Proceedings

Attn: [write your Administrative Cause No.]

100 N. Senate Ave., Rm. N-802  
Indianapolis, IN 46204

3. Each party should serve documents on ALL parties to the case.
4. Any exhibits filed with OALP will be file stamped but considered Proposed Exhibits only until formally tendered during an evidentiary hearing and either admitted or not by the ALJ.
5. Parties should redact sensitive, non-relevant information from any documents which they file with the ALJ. (Examples: social security numbers, confidential trade secrets.)
6. *Ex parte* contact – whether direct or indirect communication with an adjudicator and regarding any issue in the pending proceeding without notice and opportunity for all Parties to participate in the communication – is forbidden by law.

**How parties will receive orders from the ALJ:**

1. Parties with valid email addresses filed with OALP will receive electronic service of documents from “ALP Support Team” with the subject “ALP EService”. The link is only valid for 21 days.
  - a. Note: Attorney email addresses sync with the Indiana Roll of Attorneys. Attorneys must update their “E-notification and E-service” email address.
2. Parties with mailing address only will receive service through U.S. Postal Mail.

Questions Concerning document filings/motions may be directed to OALP support staff at: [OALP@oalp.IN.gov](mailto:OALP@oalp.IN.gov) or by appearing at the address provided.

**ORDER SETTING EVIDENTIARY HEARING**

Notice is hereby given, pursuant to Indiana Code § 4-21.5-3 *et seq.*, that an audio-only evidentiary hearing will be held on this matter. The hearing will be conducted in accordance with the provisions of the Administrative Orders and Procedures Act, codified at Indiana Code § 4-21.5-3 *et seq.*

## EVIDENTIARY HEARING INFORMATION

The date of the evidentiary hearing is: **Wednesday, May 18, 2022**

The evidentiary hearing will begin at: **10:00 A.M. ET**

The hearing will be conducted as: **Audio Only via Microsoft Teams Conference Line**

Details for Conference Line:

Dial Call in Phone Number: 317-552-1674

Enter Conference ID: 326 007 710#

The parties are not prohibited from contacting the other to resolve the case prior to a hearing. A party who fails to attend or participate in a pre-hearing conference, hearing, or other later stage of the proceeding, may be held in default or have a proceeding dismissed under Indiana Code § 4-21.5-3-24.

SO ORDERED: March 30, 2022



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Hon. Ann Pagonis  
Administrative Law Judge  
Indiana Office of Administrative Law Proceedings

### **Distributed to Parties:**

Indiana Department of Insurance – Respondent, served by Counsel Victoria Hastings by E-Mail at [vhastings@idoi.in.gov](mailto:vhastings@idoi.in.gov)

Tricia McGee – Petitioner, served by U.S. Postal Mail at 3890 Stonemeadow Drive, Greenwood, IN 46142

### **Additional Distribution to Non-Party:**

Dawn Bopp – Non-Party, Administrator for the Indiana Department of Insurance served at [DBopp@idoi.in.gov](mailto:DBopp@idoi.in.gov) for purposes of scheduling a court reporter as needed for any hearing.

Deshon Smith – Non-Party, Court reporter served at [desmith2211@gmail.com](mailto:desmith2211@gmail.com)





**FILED:** Mar 14, 2022

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

<b>Tricia McGee,</b> Petitioner,  V.  <b>Department of Insurance,</b> Respondent.	Administrative Cause No.: DOI-0921-001968  State Agency Action No.: 20729-AD21-0716-107
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*Subject to the Ultimate Authority:* Commissioner of the Department of Insurance

**ORDER SETTING PREHEARING CONFERENCE**

Notice is hereby given, pursuant to Indiana Code § 4-21.5-3 *et seq.*, that an audio-only prehearing conference will be held in this matter. The Prehearing Conference is not a hearing on the merits of the appeal. The parties are encouraged to engage in discussions aimed at informally resolving this matter prior to the Prehearing Conference, but this is not a settlement conference. The purpose of the Prehearing Conference is to resolve or clarify issues and preliminary matters related to the appeal, discuss the outcome of any informal discussions aimed at settlement if any have already taken place, determine whether the issues on appeal may potentially be resolved informally, and prepare for a hearing if settlement is not possible. In addition, any of the matters listed in Ind. Code § 4-21.5-3-19(c) may also be discussed. The ALJ will issue an Order incorporating the matters discussed following the Prehearing Conference.

The date of the evidentiary hearing is: **Wednesday, March 30, 2022**

The evidentiary hearing will begin at: **1:00 P.M. ET.**

The hearing will be conducted as: **Virtual via Microsoft Teams Link**

Details for Conference Line:

Dial Call in Phone Number: 317-552-1674

Enter Conference ID: 976 055 113#

The Parties are not prohibited from contacting the other to resolve the case prior to a hearing. A party who fails to attend or participate in a pre-hearing conference, hearing, or other later stage of the proceeding, may be held in default or have a proceeding dismissed under Indiana Code § 4-21.5-3-24.

Per Ind. Code § 4-21.5-3-11, the ALJ may not communicate, directly or indirectly, regarding any issue in the proceeding while the proceeding is pending with either party to this matter without notice and opportunity for all parties to participate in the communication. Therefore, if any party wishes to contact the ALJ regarding any matter related to this appeal, please do so by email to [OALP@oalp.in.gov](mailto:OALP@oalp.in.gov) and copy all parties involved, whenever practicable.

So Ordered: March 14, 2022



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Hon. Ann Pagonis, Administrative Law Judge  
Indiana Office of Administrative Law Proceedings

**Distributed to Parties:**

Indiana Department of Insurance – Respondent, served by Counsel Victoria Hastings by E-Mail at [vhastings@idoi.in.gov](mailto:vhastings@idoi.in.gov)

Tricia McGee – Petitioner, served by U.S. Postal Mail at 3890 Stonemeadow Drive  
Greenwood, IN 46142

**Additional Distribution to Non-Party:**

Dawn Bopp – Non-Party, Administrator for the Indiana Department of Insurance served as at [DBopp@idoi.in.gov](mailto:DBopp@idoi.in.gov) for purposes of scheduling a court reporter as needed for any hearing.

Deshon Smith – Non-Party, Court reporter served at [desmith2211@gmail.com](mailto:desmith2211@gmail.com)

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

DOI CAUSE NO: 20729-AD21-0716-107  
ADMINISTRATIVE CAUSE NO.: DOI-0921-001968

IN THE MATTER OF: )

Tricia Ann McGee )  
3890 Stonemeadow Drive )  
Greenwood, IN 46142 )

Petitioner. )

License Application #: 879887 )

Type of Agency Action: Enforcement )

**FILED**

**MAR 10 2022**

STATE OF INDIANA  
DEPT. OF INSURANCE

**ORDER OF REMAND**

Under Ind. Code § 4-21.5-3-29(b), the Commissioner of Insurance, Amy L. Beard, hereby remands this matter to the Administrative Law Judge for the purposes of holding an evidentiary hearing on the reasonableness of the Preliminary Administrative Order and Notice of License Denial, filed on August 3, 2021, with respect to Petitioner's application for a resident producer license.

ALL OF WHICH IS ORDERED by the Commissioner this 10 day of March, 2022.

  
\_\_\_\_\_  
Amy L. Beard, Commissioner  
Indiana Department of Insurance



Copies to:

Tricia Ann McGee  
3890 Stonemeadow Drive  
Greenwood, IN 46142  
mcgee.tricia@gmail.com

Samantha Aldridge  
Counsel for Respondent  
Indiana Department of Insurance  
311 W. Washington St., Suite 103  
Indianapolis, IN 46204  
saldridge@idoi.in.gov

Office of Administrative Law Proceedings  
100 N. Senate Avenue Suite N802  
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:** January 10, 2022

### STATE OF INDIANA OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

Administrative Cause No.: DOI-0921-001968  
Underlying/State Agency Action No.: 20729-AD21-0716-107

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

**Tricia McGee**  
Petitioner,

**Type of Agency Action: Enforcement**

**License Number: 879887**

**v.**

**Indiana Department of Insurance**  
Respondent.

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

An evidentiary hearing was held on this matter on October 12, 2021, at 10:00 am EST via telephonic conference. Tricia McGee ("Petitioner") did not appear to the evidentiary hearing and the Department of Insurance ("Respondent") appeared by counsel Samantha Aldridge. The undersigned Administrative Law Judge ("ALJ") for the Office of Administrative Law Proceedings

(OALP) began the hearing at 10:10 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 September 14, 2021, an evidentiary hearing by telephonic conference was scheduled for October 12, 2021, at 10:00 am EST.
2. On October 12, 2021, after allowing Petitioner ten (10) minutes to join the conference line, the evidentiary hearing was convened at 10:10 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 10:30 am EST and Petitioner did not appear.
5. Respondent entered evidence into the record and moved for the Petitioner to be defaulted.
6. Petitioner did not file a motion to continue the evidentiary hearing from Petitioner, 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 November 22, 2021.
8. In the Notice, a seven (7) day deadline for Petitioner to file a motion for the case to remain open was set.

9. Thirty-five (35) 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 renew a license, therefore Petitioner bears the burden of proof.
3. Petitioner failed to attend the evidentiary hearing and therefore did not present evidence. Defaulting Petitioner 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 Tricia McGee's request to renew her resident producer license under license application number 879887 shall be AFFIRMED.

**ALL OF WHICH IS ADOPTED** by the Administrative Law Judge and recommended to the **Commissioner of the Department of Insurance** on January 10, 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](mailto: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](mailto:saldridge@idoi.in.gov)

Tricia McGee – Petitioner, served by mail at 3890 Stonemeadow Drive, Greenwood, IN 46142



**Distributed to Non-Party:**

IDOI Commissioner – Ultimate Authority and served by Dawn Bopp at [dbopp@idoi.in.gov](mailto:dbopp@idoi.in.gov)

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 20729-AD21-0716-107

IN THE MATTER OF: )

Tricia Ann McGee )  
3890 Stonemeadow Drive, )  
Greenwood, IN 46142 )

Applicant. )

Type of Agency Action: Enforcement )

License Application #: 879887 )

**FILED**

**AUG 03 2021**

STATE OF INDIANA  
DEPT. OF INSURANCE

**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 Tricia Ann McGee ("Applicant") of the following Administrative Order:

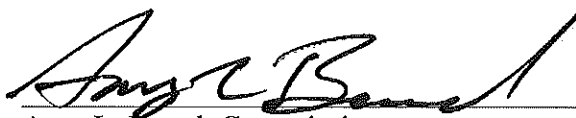
1. Applicant was previously licensed as a resident producer in Indiana, holding license number 740278 from February 4, 2011, through February 28, 2013, when Applicant failed to renew it.
2. Applicant filed an application to reactivate her resident producer license with the Commissioner of the Indiana Department of Insurance ("Commissioner") on July 6, 2021.
3. 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.

4. Indiana Code § 27-1-15.6-12(b)(1) provides, in part, that the Commissioner may refuse to issue or renew an insurance producer license for providing incorrect, misleading, incomplete, materially untrue information in a license application.
5. Following a review of public records, the Commissioner being fully advised, now hereby notifies Applicant that she has not fully met the requirements of licensure as stated by Indiana Code § 27-1-15.6-12(b)(1) due to Applicant failing to disclose her pending criminal charge for Criminal Trespass, a Class A Misdemeanor, on her application for licensure.
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 Code § 27-1-15.6-12(b)(1), due to Applicant failing to disclose a pending criminal charge on her application for licensure. Applicant may reapply for licensure not less than one (1) year from the date of this order.

8/3/21

Date Signed



Amy L. Beard, Commissioner  
Indiana Department of Insurance

Distribution to:

Victoria Hastings, Attorney  
ATTN: Taylor Peycha, Investigator  
Indiana Department of Insurance  
311 W. Washington St., Suite 103  
Indianapolis, IN 46204  
317-233-9432, fax 317 234-2103

Tricia Ann McGee  
3890 Stonemeadow Drive,  
Greenwood, IN 46142