

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 21700-AD22-0804-076

IN THE MATTER OF: )

Richard Feary )  
6641 Foxdale Cir )  
Colorado Springs, CO 80919 )

Applicant. )

Type of Agency Action: Enforcement )

License Application #: 969879 )

**FILED**

**SEP 28 2022**

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 Richard Feary (“Applicant”) of the following Administrative Order:

1. Applicant filed an application for nonresident producer licensure with the Commissioner of the Indiana Department of Insurance (“Commissioner”) on May 18, 2022.
2. Before approving an application, the Commissioner must find that the applicant has met specific requirements under Indiana Code § 27-1-15.6-8 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. Indiana Code § 27-1-15.6-12(b)(9) authorizes the Commissioner to refuse to issue an insurance producer license for having an insurance producer license, or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory.

5. Following a review of public records and a review of 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 Applicant's April 3, 2015 conviction for Menacing with a Real or Simulated Weapon, a Level 5 Felony, in the State of Colorado.
6. Following a review of public records and a review of 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)(9), due to Applicant's following administrative actions:
  - a. License denial by the Indiana Department of Insurance on December 7, 2018;
  - b. License denial by the South Dakota Division of Insurance on January 2, 2019;
  - c. License denial by the Hawaii Department of Commerce and Consumer Affairs on August 15, 2019;
  - d. License revocation by the Louisiana Department of Insurance on May 8, 2020; and
  - e. License revocation by the Virginia Bureau of Insurance on July 7, 2020.
7. 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.
8. This is considered an administrative action by the Indiana Department of Insurance. If you choose to appeal this administrative action, please follow the aforementioned instructions. Subsequently, after the Department has received your written request for a hearing, the State of Indiana Office of Administrative Law Proceedings ("OALP") will

assign an administrative law judge to preside over this matter, and you will receive more information from OALP 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)(9) due to Applicant's felony conviction, three (3) license denials, and two (2) license revocations. Applicant may reapply for licensure not less than one (1) year from the date of this order.

9-28-22

Date Signed

Amy L. Beard

Amy L. Beard, Commissioner  
Indiana Department of Insurance

Distribution to:

Richard Feary  
6641 Foxdale Cir  
Colorado Springs, CO 80919

Samantha Aldridge, Attorney  
ATTN: Sara Tolliver, Investigator  
Indiana Department of Insurance  
311 W. Washington St., Suite 103  
Indianapolis, IN 46204  
317 234-8687, fax 317 234-2103