

STATE OF INDIANA)
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

IN THE MATTER OF:)
)
)
Crosscom Public Adjusters)
)
Petitioner)
)
Type of Agency Action:Enforcement)
)

CAUSE NO.: DOI-2212-002611
21782-PA22-0929-003

FILED
SEP 26 2023
STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On July 31, 2023, the Administrative Law Judge, Carrie T. Ingram, filed her Findings of Fact, Conclusions of Law and Non-Final Order in the above-captioned matter.

1. The Department served Findings of Fact, Conclusions of law, and Non-Final Order and Notice of Filing Non-Final Order on Petitioner by emailing the same to their attorney's email address.

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 Non-Final Order, and more than eighteen (18) days have elapsed.

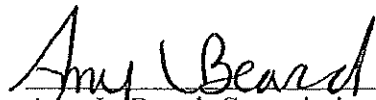
Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Non-Final Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. The Denial of Petitioner's nonresident public adjuster certification is AFFIRMED.

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 26 day of September, 2023.


Amy L. Beard, Commissioner
Indiana Department of Insurance

Copies to:

Crosscom Public Adjusters served by email to Attorney Morgan Decker at mdecker@rubin-levin.net

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



STATE OF INDIANA
OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

FILED: Jul 31, 2023

Crosscom Public Adjusters
Petitioner

Administrative Case No.: DOI-2212-002611
Underlying Agency No.: 21782-PA22-0929-003

v.

Department of Insurance
Respondent

Ultimate Authority: Commissioner of the Department of Insurance

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND NONFINAL ORDER

An evidentiary hearing was held on this matter on April 5, 2023, at 1:00 PM via telephonic conference. Administrative Law Judge (ALJ) Brian Hahn presided over the hearing. Prior to rendering Findings of Fact, Conclusions of Law, and a Nonfinal Order in this matter, ALJ Hahn became unavailable to serve as the ALJ in this matter. The Office of Administrative Law Proceedings (OALP) Director reassigned this matter to ALJ Carrie Ingram to issue Findings of Fact, Conclusions of Law, and a Nonfinal Order pursuant to Indiana Code 4-21.5-3-27(e). At the evidentiary hearing, Crosscom Public Adjusters appeared by Counsel Morgan Decker and President Daniel Lite. The Department of Insurance (DOI) appeared telephonically by Counsel Samantha Aldridge, and Investigator Christopher Conrad.

Daniel Lite and Christopher Conrad testified at the evidentiary hearing. Petitioner offered no exhibits for admission and Respondent offered five exhibits for admission at the evidentiary hearing. The following exhibits were admitted at the evidentiary hearing:

1. Respondent's Exhibit 1, four applications from Petitioner for nonresident public adjuster licensure, 23 pages, admitted without objection.
2. Respondent's Exhibit 2, a Motion for Emergency Cease and Desist Order and Order Granting Emergency Cease and Desist Order in cause number 20543-PA21-0803-001, 6 pages, admitted without objection.
3. Respondent's Exhibit 3, Final Order and Agreed Entry in cause number 13025-PA14-0505-002, 6 pages, admitted without objection.
4. Respondent's Exhibit 4, Preliminary Administrative Order and Notice of Certification Denial in cause number 21782-PA22-0929-003, 3 pages, admitted without objection.

On May 5, 2023, both Petitioner and Respondent filed separate proposed findings of fact and conclusions of law. Based upon the evidence presented at said hearing, ALJ Ingram now makes and issues the following Findings of Fact, Conclusions of Law, and Nonfinal Order.

FINDINGS OF FACT¹

1. Crosscom Public Adjusters (hereinafter "Crosscom") is a business incorporated in the State of Illinois. Daniel Lites has been the President of Crosscom since approximately 2010. See testimony of Daniel Lites.
2. In 2014, Mr. Lites contacted DOI and asked if Indiana offered reciprocity with Illinois for adjusters. Mr. Lites was advised that it did and so Mr. Lites conducted business as an adjuster in Indiana. See testimony of Daniel Lites.
3. In 2014, DOI initiated an enforcement action against Mr. Lites for conducting business as an adjuster in Indiana. Mr. Lites was the Respondent in that action, cause number 13025-PA14-0505-002. Mr. Lites entered into an Agreed Entry with DOI, in which Mr. Lites agreed to pay a fine in the amount of \$1,000 and agreed that he would ensure that any employee of his firm acting as a public adjuster would first obtain a Certificate of Authority as required by Ind. Code § 21-1-27-3(a). The Agreed Entry signed by Mr. Lites, includes the following language: "The Commissioner has jurisdiction over the subject matter and Respondent in this administrative action." A Final Order was issued in this case on August 28, 2014. See Exhibit 3.
4. On October 9, 2015, Petitioner applied for a nonresident public adjuster certification, and DOI approved the certification application. See Exhibit 1
5. On June 13, 2017, Petitioner applied for a nonresident public adjuster certification, and DOI approved the certification application. See Exhibit 1.
6. On October 31, 2019, Petitioner applied for a nonresident public adjuster certification, and DOI approved the certification the application. See Exhibit 1.
7. Petitioner let its license lapse and on August 23, 2022, Crosscom was the Respondent of an administrative proceeding involving an enforcement action with DOI, cause number 20543-PA21-0801-001. In that case, an Order Granting Emergency Cease and Desist Order was issued against Crosscom for engaging in the business of public adjusting in the State of Indiana without having an active certification. The header for the order specifies that the Cease and Desist Order is an agency action. See Exhibit 2.
8. On August 29, 2022, Petitioner applied for a nonresident public adjuster certification, and DOI denied the certification application. See Exhibit 1

¹ Conclusions of Law that can be adopted as Findings of Fact are incorporated as such.

9. In each of the four applications for certification, Petitioner was asked the following question:

Has the business entity or any owner, partner, officer, or director of the business entity or member or manager of a limited liability company, ever been named or involved as a party in an administrative proceeding, including a FINRA sanction or arbitration proceeding regarding any professional or occupational license, or registration?

The question clarified the meaning of “involved,” by including the relevant information:

“Involved” means having a license censured, suspended, revoked, canceled, terminate; or, being assessed a fine, a cease and desist order, a prohibition order, a compliance order, placed on probation, sanctioned or surrendering a license to resolve an administrative action.

In each application, Petitioner answered “no” to that question. See Exhibit 1.

10. Petitioner incorrectly answered the above-mentioned question in every application it submitted for certification. See Exhibits 2 and 3.
11. When filling out the application in 2022, Mr. Lites acknowledged that it answered the questions in the same manner that it always had and did not carefully read all the questions. See testimony of Daniel Lites.

CONCLUSIONS OF LAW²

1. OALP has jurisdiction over both the subject matter and the parties to this action and the DOI Commissioner is the ultimate authority. Ind. Code § 27-1-27-7.1 and Ind. Code §§ 4-15-10.5-12 and 13.
2. This hearing was held in compliance with the Administrative Orders and Procedures Act of the Indiana Code, Ind. Code § 4-21.5-3. See Ind. Code § 27-1-27-7.1.
3. The person requesting an agency act has the burden of persuasion and the burden of going forward. Ind. Code § 4-21.5-3-14(c). Petitioner requests that DOI issue a certification, therefore Petitioner bears the burden of proof.
4. Proceedings held before an ALJ are *de novo*, which means the ALJ does not—and may not—defer to an agency’s initial determination. Indiana Code § 4-21.5-3-14(d); *Ind. Dep’t of Natural Res. v. United Refuse Co., Inc.*, 615 N.E.2d 100, 104 (Ind. 1993). Instead, in its role as factfinder, the ALJ must independently weigh the evidence in the record and may base findings and conclusions only upon that record. *Id.* At a minimum, the

² Findings of Fact that can be adopted as Conclusions of Law are incorporated as such.

ALJ's findings "...must be based upon the kind of evidence that is substantial and reliable." Indiana Code § 4-21.5-3-27(d). "[S]ubstantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support the decision..." *St. Charles Tower, Inc. v. Bd. of Zoning Appeals*, 873 N.E.2d 598, 601 (Ind. 2007).

5. Despite the *de novo* review, Indiana Code 27-1-27-7.1 limits the ALJ's review to a determination of whether the Commissioner's actions were reasonable.
6. An application for a public adjuster's certificate with DOI may be denied if the applicant provides "incorrect, misleading, incomplete, or materially untrue information in an application for a certificate of authority." Ind. Code § 27-1-27-7.1(b)(1).
7. Petitioner was asked if the business entity or any owner, partner, officer, or director of the business entity had been involved in an administrative proceeding. The term "involved" was specified to include specific actions to resolve an administrative action, including being assessed fines or a cease and desist order. The question was detailed and clearly included the administrative proceeding involving Petitioner as the business entity and Mr. Lites as the president of Petitioner. Petitioner should have answered "yes" to the question but answered "no." Therefore, Petitioner provided incorrect and materially untrue information on its application for nonresident public adjuster certificate.
8. Petitioner attempts to distinguish the terms "administrative proceeding" in the question from "administrative action" in the Agreed Entry from 2014. Petitioner's attempt to distinguish the two terms as a justification for incorrectly answer the question bears no weight given the detailed description of the term "involved" that follows the question. The term "involved" clearly uses the words "administrative action" and specifies a cease and desist order and an assessment of a fine.
9. It is not unreasonable for the Commission to deny a certification for an applicant that fails to disclose two separate administrative proceedings that it should have disclosed.
10. Petitioner has not met his burden of proving that the Commissioner's decision not to issue Petitioner a certification was unreasonable.

NONFINAL ORDER

In consideration of the foregoing, Findings of Fact and the Conclusions of Law as stated, the ALJ now recommends that the Commissioner AFFIRM her decision to deny Petitioner's August 29, 2022, application for nonresident public adjuster certification.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner of the Department of Insurance on July 31, 2023. This 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 Nonfinal 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. Indiana Code 4-21.5-3-29. For provisions on how to compute days see Ind. Code § 4-21.5-3-2.

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

So Ordered: July 31, 2023.



Carrie T. Ingram
Administrative Law Judge

Distribution:

Petitioner: Crosscom Public Adjusters served by email to Attorney Morgan Decker at mdecker@rubin-levin.net

Respondent: Department of Insurance served by email to Attorney Samantha Aldridge at saldrige@idoi.in.gov

Ultimate Authority: Commissioner of the Department of Insurance served by email at DBopp@idoi.in.gov

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

DOI CAUSE NO: 21782-PA22-0929-003
ADMINISTRATIVE CAUSE NO.: DOI-2212-002611

IN THE MATTER OF:)
)
Crosscom Public Adjusters)
582 West Roosevelt Road #1)
Wheaton, IL 60187)
)
 Petitioner.)
)
Type of Agency Action: Enforcement)
)
License Application #: 995704)

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

Administrative Law Judge (“ALJ”) Brian D. Hahn having considered and reviewed all of the evidence, will now render a decision in the matter of Crosscom Public Adjusters (“Petitioner”). This matter came to be heard by the ALJ on April 5, 2023 at 1:00 p.m. via audio conferencing at the Office of Administrative Law Proceedings.

The Enforcement Division of the Indiana Department of Insurance (“Department”) was represented by counsel, Samantha Aldridge. Petitioner appeared telephonically through Designated Responsible Licensed Producer and Owner Daniel Lites (“Lites”) and was represented by counsel, Morgan Decker. 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 Order.

FINDINGS OF FACT

1. Petitioner submitted an application for a nonresident public adjuster certification on August 29, 2022. (Hearing Transcript p. 36; Department's Exhibit 1)

2. The Commissioner of the Indiana Department of Insurance ("Commissioner") entered her Preliminary Administrative Order and Notice of Certification Denial on November 7, 2022 due to Petitioner's failure to disclose two administrative actions on Petitioner's application for certification. (Department's Exhibit 4)

3. A hearing was held at Petitioner's request on April 5, 2023.

4. On Petitioner's application for certification, Petitioner answered "no" to the question which asks, "Has the business entity or any owner, partner, officer, or director of the business entity or member or manager of a limited liability company, ever been named or involved as a party in an administrative proceeding, including a FINRA sanction or arbitration proceeding regarding any professional or occupational license, or registration?". (Hearing Transcript p. 52; Department's Exhibit 1)

5. Lites is the president of Petitioner. (Hearing Transcript p.17)

6. Lites submitted the August 29, 2022 certification application and all prior applications for certification and renewal for Petitioner. (Hearing Transcript p. 35-36; Department's Exhibit 1)

7. On August 28, 2014 Final Order was issued adopting the Agreed Entry entered into by Lites and the Department. This administrative action imposed a \$1,000 fine for public adjusting without a license in violation of Indiana Code § 27-1-27-2(a). (Hearing Transcript p. 34-35; Department's Exhibit 3)

8. On August 23, 2022 Petitioner was issued a Cease and Desist Order by the Commissioner for acting as a public adjuster corporation in Indiana without certification. (Hearing Transcript, p. 36; Department's Exhibit 2)

9. Lites received the Cease and Desist Order prior to submitting Petitioner's August 29, 2022 application for certification. (Hearing Transcript p. 43)

10. Petitioner did not provide any required attachments with Petitioner's application for certification required for having had an administrative action. (Hearing Transcript p. 52; Department's Exhibit 1)

11. Petitioner did not submit exhibits at hearing.

12. The Department admitted four (4) exhibits at hearing. Department's Exhibit 1 is Petitioner's applications for certification. Department's Exhibit 2 is the Cease and Desist Order issued against Petitioner filed August 23, 2023. Department's Exhibit 3 is the administrative action taken against Lites, Petitioner's officer, on August 28, 2014. Department's Exhibit 4 is the Preliminary Administrative Order and Notice of Certification Denial issued November 7, 2022.

13. 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 § 27-1-27-7.1 states, in part, that the Commissioner may refuse to issue or renew a public adjuster's certificate of authority, due to a number of factors.

4. Specifically, Indiana Code § 27-1-27-7.1(b)(1), allows the Commissioner to refuse to issue a public adjuster's certificate of authority for providing incorrect, misleading, incomplete, or materially untrue information in an application for a certificate of authority.

5. Petitioner's failure to disclose an August 28, 2014 administrative action issued to Petitioner's officer and the Cease and Desist Order issued to Petitioner on August 23, 2022 is violation of Indiana Code § 27-1-27-7.1(b)(1).

6. Indiana Code § 4-21.5-3-14(c) states that the party requesting an agency take action has the burden of persuasion and the burden of going forward. Here, Petitioner is requesting that the Department issue a nonresident public adjuster certificate of authority and, therefore, bears the burden.

7. Pursuant to Indiana Code § 27-1-27-7.1(c), a hearing was held to determine the reasonableness of the Commissioner's decision. Petitioner failed to meet its burden of proving the Commissioner's decision was unreasonable.

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

RECOMMENDED ORDER

With the Findings of Fact and the Conclusions of Law as stated, the Administrative Law Judge now recommends to the Commissioner the following:

- I. The denial of Petitioner's nonresident public adjuster certificate of authority under application number **995704** shall be AFFIRMED.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this _____ day of _____, 2023.

Brian D. Hahn
Administrative Law Judge

Distribution:

Morgan Decker
Rubin & Levin, PC
135 N. Pennsylvania Street, Suite 1400
Indianapolis, IN 46204

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



FILED: Mar 9, 2023

STATE OF INDIANA
OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

FINAL AGENCY AUTHORITY: Commissioner of the Department of
Insurance

Crosscom Public Adjusters,
Petitioner,
V.
Indiana Department of Insurance,
Respondent.

Administrative Cause No.: DOI-2212-002611
Underlying Agency Action No.: 21782-PA22-0929-003

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.*

Telephonic Evidentiary Hearing is set for:

DATE: 4/5/2023

TIME: 1:00 P.M. Eastern (Indianapolis) time.

TO PARTICIPATE IN THE HEARING: ALJ Hahn is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

1. Dial 833 928 4608 (US Toll-free).

2. Meeting ID: 378 552 9326

<https://us02web.zoom.us/j/3785529326>

The ALJ will NOT call either party for participation in the hearing. The parties MUST call the conference line to participate in the hearing. **Failure to appear at the hearing at the scheduled time, without reasonable notice in writing and good cause shown, may result in a default or a dismissal of the case under Indiana Code § 4-21.5-3-24.** The parties must be prepared to present evidence on the issues at this hearing.

E-MAIL: *Please note: If you have received this Order by email, the link to the Order will expire in twenty-one days from the date of the email. You will not be able to access this Order after the link expires.*

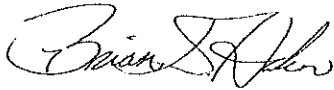
EXHIBITS & WITNESSES: No fewer than seven (7) days before the date of the evidentiary hearing, both parties must file with the ALJ and provide copies to the opposing party: (1) a list of all witnesses and exhibits, and (2) copies of all proposed exhibits, that the party may use as evidence at the hearing. Any exhibits filed with OALP must be marked as "Proposed Exhibit" followed by the number or letter denoting that document. Any documents previously filed with OALP in this case MUST be re-submitted to the ALJ and the opposing party as a "Proposed Exhibit" if the submitting party wishes to use them at the evidentiary hearing. The witness and exhibit list, along with copies of the proposed exhibits themselves, should be sent to the other party by email, if available, or by United States mail. Contact information for the parties is at the end of this Notice.

NOTICE OF FILING PROCEDURES: The following informs you of how to 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. Use the administrative cause number on all documents you file.
 - a. File documents electronically by emailing them to OALP@oalp.IN.gov; or
 - b. File documents by postal mail at:
Office of Administrative Law Proceedings
Attn: [insert the administrative cause number of your case]
100 N. Senate Avenue Suite N-802
Indianapolis, IN 46204
2. OALP staff will file stamp your documents and file them in the OALP case management system. You will not receive a file-stamped copy back, but you may specifically request one if needed.
3. A party serving documents on the ALJ must serve those documents on ALL parties to the case as well as the ALJ.
4. A party should redact any confidential information (such as social security numbers) prior to filing it with OALP.
5. Any exhibits that are filed with OALP prior to a hearing will be considered "Proposed" exhibits only and should be marked accordingly.
6. A party with a valid email address on file 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.
7. A party with a mailing address only will receive service through U.S. Postal Mail.
8. The Parties may contact each other to resolve the case prior to a hearing.
9. Questions concerning document filings/motions may be directed to OALP support staff at: OALP@oalp.IN.gov or by calling 317-234-6689.

EX PARTE COMMUNICATION: The ALJ may not communicate, directly or indirectly with either party to this case, regarding any issue in this proceeding, while the case is pending, without notice and opportunity for all parties to participate in the communication. Any motions, documents, or communications provided by either party to the ALJ must also be served on the other party or parties to this case.

SO ORDERED: March 9, 2023



Brian D. Hahn, Administrative Law Judge
Indiana Office of Administrative Law Proceedings

Distributed to Parties:

Crosscom Public Adjusters – Petitioner and served upon counsel, Benjamin Shoptaw, via email at bshoptaw@rubin-levin.net

Indiana Department of Insurance – Respondent, served upon Counsel Samantha Aldridge by email at saldrige@idoi.in.gov

Additional Distribution to Non-Party:

Dawn Bopp – Non-Party, Administrator for the Indiana Department of Insurance served at 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



FILED: Feb 23, 2023

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

FINAL AGENCY AUTHORITY: Commissioner of the Department of Insurance

Crosscom Public Adjusters,
Petitioner,
V.
Indiana Department of Insurance,
Respondent.

Administrative Cause No.: DOI-2212-002611
Underlying Agency Action No.: 21782-PA22-0929-003

ORDER ON MOTION TO CONTINUE

On February 23, 2023, the parties informed the forum that they are discussing potential informal resolution and requested a continuance of the evidentiary hearing previously set on this date be continued. The Administrative Law Judge designated by the Indiana Office of Administrative Law Proceedings being fully informed granted the request to continue the evidentiary hearing. The parties requested that a further telephonic status conference as follows to inform the forum of the status of settlement and if needed, reschedule the evidentiary hearing. Based upon agreement of the parties, a further prehearing status conference is hereby scheduled as follows:

Telephonic Prehearing Status Conference Details

DATE: 3/9/2023

TIME: 3:00 P.M. Eastern (Indianapolis) time.

TO PARTICIPATE IN THE HEARING: ALJ Hahn is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

1. Dial 833 928 4608 (US Toll-free).

2. Meeting ID: 378 552 9326

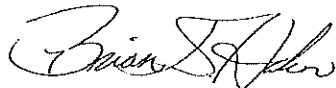
<https://us02web.zoom.us/j/3785529326>

The ALJ will NOT call either party for participation in the hearing. The parties MUST call the conference line to participate in the hearing. **Failure to appear at the hearing at the**

scheduled time, without reasonable notice in writing and good cause shown, may result in a default or a dismissal of the case. The parties must be prepared to present evidence on the issues at this hearing.

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: February 23, 2023



Brian D. Hahn, Administrative Law Judge
Indiana Office of Administrative Law Proceedings

Distributed to Parties:

Crosscom Public Adjusters – Petitioner and served upon counsel, Benjamin Shoptaw, via email at bshoptaw@rubin-levin.net

Indiana Department of Insurance – Respondent, served upon counsel, Samantha Aldridge, via email at saldrige@idoi.in.gov

Additional Distribution to Non-Party:

Dawn Bopp – Non-Party, Administrator for the Indiana Department of Insurance served at 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



FILED: Dec 12, 2022

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

FINAL AGENCY AUTHORITY: Commissioner of the Department of Insurance

Crosscom Public Adjusters

Petitioner,

V.

Indiana Department of Insurance,

Respondent.

Administrative Cause No.: DOI-2212-002611

Underlying Agency Action No.: 21782-PA22-0929-003

AMENDED 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. If a party wishes to request a video conference or an in-person hearing, they may contact ualp@ualp.in.gov and CC the opposing party's email address. 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.*

Should either party wish to have a pre-hearing conference prior to the evidentiary hearing, then the party may submit a motion requesting a pre-hearing conference. Upon receipt of motion for a pre-hearing conference, the ALJ shall schedule a pre-hearing conference pursuant to IC § 4-21.5-3-18. Such request may serve as a waiver of any requirement to have the evidentiary hearing within a certain number of days.

EVIDENTIARY HEARING INFORMATION

The date of the evidentiary hearing is: **Thursday, February 23, 2023**

The evidentiary hearing will begin at: **9:00 am Eastern (Indianapolis) time**

The hearing will be conducted as: **Audio Only via Zoom**

Details for Conference Line:

Dial Call in Phone Number: **833-928-4608**

Enter Conference ID: **378 552 9326**

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.**

The Department of Insurance will be represented by an attorney in this matter. The Petitioner has a right to be represented by counsel at Petitioner's expense or by an authorized representative consistent with Ind. Code § 4-21.5-3-15. An unrepresented party will be held to the same burden of proof and legal standards as a represented party.

SO ORDERED: December 12, 2022



Brian D. Hahn, Administrative Law Judge
Indiana Office of Administrative Law Proceedings

Distributed to Parties:

Crosscom Public Adjusters – Petitioner, served upon Counsel, Benjamin J. Shoptaw, via email at bshoptaw@rubin-levin.net

Indiana Department of Insurance –Respondent, served upon Counsel Samantha Aldridge via email at saldridge@idoi.in.gov

Additional Distribution to Non-Party:

Dawn Bopp – Non-Party, Administrator for the Indiana Department of Insurance served at 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



FILED: Dec 12, 2022

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

FINAL AGENCY AUTHORITY: Commissioner of the Department of Insurance

Crosscom Public Adjusters

Petitioner,

V.

Indiana Department of Insurance,

Respondent.

Administrative Cause No.: DOI-2212-002611

Underlying Agency Action No.: 21782-PA22-0929-003

**NOTICE OF ASSIGNMENT OF ADMINISTRATIVE LAW JUDGE AND FILING PROCEDURES AND
ORDER SETTING EVIDENTIARY HEARING**

This complaint has been presented to the Office of Administrative Law Proceedings for review. An Administrative Law Judge (ALJ) has been assigned to preside over your case and is the **Honorable Brian D. Hahn.**

This Notice also 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; or

File Documents by postal mail at:

Office of Administrative Law Proceedings
Attn: [insert 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.
7. Template motions may be found at <https://www.in.gov/oalp/oalp-resources/>

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 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. If a party wishes to request a video conference or an in-person hearing, they may contact oop@oop.in.gov and CC the opposing party’s email address. 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.*

Should either party wish to have a pre-hearing conference prior to the evidentiary hearing, then the party may submit a motion requesting a pre-hearing conference. Upon receipt of motion for a pre-hearing conference, the ALJ shall schedule a pre-hearing conference pursuant to IC § 4-21.5-3-18. Such request may serve as a waiver of any requirement to have the evidentiary hearing within a certain number of days.

EVIDENTIARY HEARING INFORMATION

The date of the evidentiary hearing is: **Tuesday, January 31, 2023**

The evidentiary hearing will begin at: **9:00 am Eastern (Indianapolis) time**

The hearing will be conducted as: **Audio Only via Zoom**

Details for Conference Line:

Dial Call in Phone Number: **833-928-4608**

Enter Conference ID: **378 552 9326**

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.**

The Department of Insurance will be represented by an attorney in this matter. The Petitioner has a right to be represented by counsel at Petitioner's expense or by an authorized representative consistent with Ind. Code § 4-21.5-3-15. An unrepresented party will be held to the same burden of proof and legal standards as a represented party.

SO ORDERED: December 12, 2022



Brian D. Hahn, Administrative Law Judge
Indiana Office of Administrative Law Proceedings

Distributed to Parties:

Crosscom Public Adjusters – Petitioner, served upon Counsel, Benjamin J. Shoptaw, via email at bshoptaw@rubin-levin.net

Indiana Department of Insurance –Respondent, served upon Counsel Samantha Aldridge via email at saldridge@idoi.in.gov

Additional Distribution to Non-Party:

Dawn Bopp – Non-Party, Administrator for the Indiana Department of Insurance served at 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

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 21782-PA22-0929-003

IN THE MATTER OF:

Crosscom Public Adjusters
528 West Roosevelt Road #1
Wheaton, IL 60187

Applicant.

Type of Agency Action: Enforcement

License Application #: 995704

FILED

NOV 07 2022

STATE OF INDIANA
DEPT. OF INSURANCE

PRELIMINARY ADMINISTRATIVE ORDER
AND NOTICE OF CERTIFICATION 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 § 27-1-27, hereby gives notice to Crosscom Public Adjusters (“Applicant”) of the following Administrative Order:

1. Applicant filed an application for a nonresident public adjuster certificate of authority with the Commissioner of the Indiana Department of Insurance (“Commissioner”) on August 29, 2022.
2. Before approving an application, the Commissioner must find that Applicant has met specific requirements under Indiana Code § 27-1-27-3 and Indiana Code § 27-1-27-7.1.
3. Indiana Code § 27-1-27-7.1(b)(1), provides, in part, that the Commissioner may refuse to issue a public adjuster’s certificate of authority for providing incorrect, misleading, incomplete, or materially untrue information in an application for a certificate of authority.
4. Following a review of public records and a review of materials submitted by Applicant in support of their application, the Commissioner, being fully advised, now hereby notifies

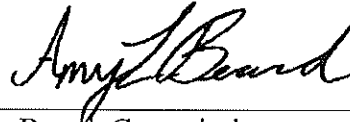
Applicant that they have not fully met the requirements of certification as stated by Indiana Code § 27-1-27-7.1(b)(1) due to Applicant's failure to disclose two (2) administrative actions issued by the Department. Applicant failed to disclose an August 28, 2014 Agreed Entry issued to Applicant's owner, Daniel Lites, for public adjusting without certification, and a Cease and Desist Order issued to Applicant on August 23, 2022 for public adjusting without certification. In addition to Applicant's current application, Applicant failed to disclose the 2014 Agreed Entry on previous applications submitted on October 9, 2015, June 13, 2017, and October 31, 2019, in violation of Indiana Code § 27-1-27-7.1(b)(1).

5. Indiana Code § 27-1-27-7.1(c) provides that Applicant may, not more than thirty (30) days after notice of denial of the application is received, 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 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 certification is hereby **DENIED** pursuant to Indiana Code § 27-1-27-7.1(b)(1) due to Applicant failing to disclose certain information in applications for a certificate of authority. Applicant may reapply for certification not less than one (1) year from the date of this order.

11.7.2022

Date Signed



Amy L. Beard, Commissioner
Indiana Department of Insurance

Distribution to:

Samantha Aldridge, Attorney
ATTN: Chris Conrad, Specialty
License Compliance Director
Indiana Department of Insurance
311 West Washington St. #103
Indianapolis, IN 46204-2787

Crosscom Public Adjusters
528 West Roosevelt Road #1
Wheaton, IL 60187