

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

IN THE MATTER OF:)
)
)
Jennifer Runyon)
)
Respondent)
)
Type of Agency Action:Enforcement)
)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

FILED
AUG 17 2023
STATE OF INDIANA
DEPT. OF INSURANCE

CAUSE NO.: DOI-2211-002488
21829-AG22-1011-180

FINAL ORDER

On June 26, 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 Respondent by mailing 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 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. Respondent's resident insurance producer license #3640409 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 17 day of August, 2023.


Amy L. Beard, Commissioner
Indiana Department of Insurance

Copies to:

Jennifer Runyon
822 N Monticello St.
Winamac, IN 46996

Samantha Aldridge, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204
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STATE OF INDIANA
OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

FILED: Jun 26, 2023

Department of Insurance
Petitioner

v.

Jennifer Runyon
Respondent

OALP Case No.: DOI-2211-002488
Underlying Agency No.: 21829-AG22-1011-180

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 February 22, 2023, at 9:00 AM via telephonic conference. Administrative Law Judge (ALJ) Brian Hahn presided over the hearing. Prior to rendering of 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).

The issue in this matter is whether Jennifer Runyon's Indiana Resident insurance producer license #3640409 should be permanently revoked.

At the evidentiary hearing, Jennifer Runyon appeared telephonically, and without counsel. The Department of Insurance (DOI) appeared telephonically by Counsel Samantha Aldridge, and Investigator Tina Harris. Jennifer Runyon and Tina Harris testified at the evidentiary hearing. Petitioner offered three exhibits for admission and Respondent offered no exhibits for admission at the evidentiary hearing. The following exhibits were admitted at the evidentiary hearing:

1. Petitioner's Exhibit 1, Letter from Allstate to DOI dated September 8, 2022, regarding the termination of Jennifer Runyon, 1 page, admitted without objection.
2. Petitioner's Exhibit 2, Allstate Summary of Investigation regarding Jennifer Runyon, 2 pages, admitted without objection.
3. Petitioner's Exhibit 3, Three auto insurance summary documents, 5 pages, admitted without objection.

On March 24, 2023, Petitioner filed its 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. Respondent obtained her Indiana resident insurance producer license on or about March 2, 2021.
2. Respondent started working at Allstate for Exclusive Agent Timothy Doud on or about March 8, 2021. Respondent was hired as a customer service representative and later became a licensed sales producer.
3. When a person applies for insurance with Allstate, a licensed sales producer is to ascertain whether the applicant had prior insurance. Documentation of proof of prior insurance is to be gathered by the licensed sales producer and submitted with the application.
4. Respondent had instances where applicants told Respondent they had prior insurance but did not provide Respondent with documentation to prove prior insurance. Respondent asked a colleague how to submit the application if an applicant did not provide proof of prior insurance. The colleague provided Respondent with a document that she could use to alter prior insurance information so that Respondent could submit the application. On at least two occasions, Respondent used that document provided by her colleague and altered information contained in the document. Respondent then submitted the altered documents as proof of the applicants' prior insurance.
5. In July 2022, Allstate initiated an investigation into Respondent because it was concerned that Respondent submitted altered proof of prior insurance documents. During the investigation, Respondent admitted that she had altered two proof of prior insurance documents. Respondent was terminated from Allstate on or about September 8, 2022, for altering proof of insurance documents.

CONCLUSIONS OF LAW²

1. OALP has jurisdiction over both the subject matter and the parties to this action and the Commissioner of the Department of Insurance is the ultimate authority. Ind. Code § 27-1-15.6-12(d); 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. Ind. Code § 27-1-15.6-12(d).

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

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

3. The person requesting an agency act has the burden of proof, by a preponderance of the evidence. Ind. Code § 4-21.5-3-14(c). DOI requests that Petitioner's license be permanently revoked, therefore DOI 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 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. The Commissioner of the Department of Insurance may permanently revoke an insurance producer's license if that person "[i]ntentionally misrepresent[s] the terms of an actual or proposed insurance contract or application for insurance." Ind. Code § 27-1-15.6-12(b)(5).
6. Respondent altered proof of prior insurance documents to submit with an application for insurance. The alteration of the proof of prior insurance was an intentional misrepresentation done because applicants did not provide Respondent prior proof insurance documents.
7. The Commissioner of the Department of Insurance may permanently revoke an insurance producer's license if that person uses "fraudulent ... or dishonest practices ... in the conduct of business in Indiana or elsewhere." Ind. Code § 27-1-15.6-12(b)(8).
8. Respondent's action of altering and submitting documents as proof of prior insurance is a fraudulent and dishonest act. Respondent did this on at least two occasions while working at Allstate, making it a practice of behavior conducted while doing business in Indiana or elsewhere.
9. DOI has met its burden that Respondent's Indiana resident insurance producer license should be permanently revoked. Respondent intentionally misrepresented an application for insurance and used fraudulent and dishonest practices in the conduct of business in Indiana or elsewhere.

NONFINAL ORDER

In consideration of the foregoing, Findings of Fact and the Conclusions of Law as stated, the ALJ now recommends that the Commissioner of the Department of Insurance permanently revoke Respondent's Indiana resident insurance producer license #3640409.

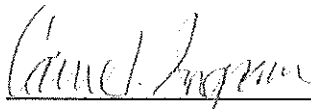
ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner of the Department of Insurance on June 26, 2023. This order is not final.

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: June 26, 2023.



Carrie T. Ingram
Administrative Law Judge
Indiana Office of Administrative Law Proceedings

Distribution:

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

Respondent: Jennifer Runyon served by email at 822 N Monticello St., Winamac, IN 46996

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

CAUSE NO.: 21829-AG22-1011-180
ADMINISTRATIVE CAUSE NO.: DOI-2211-002488

IN THE MATTER OF:)
)
Jennifer Runyon)
822 N Monticello St.)
Winamac, IN 46996)
)
Respondent.)
)
License Number: 3640409)
)
Type of Agency Action: Enforcement)

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

The Administrative Law Judge (“ALJ”) Brain D. Hahn, having considered and reviewed all of the evidence, will now render a decision in the matter of Jennifer Runyon (“Respondent”). This matter came to be heard by the ALJ on February 22, 2023 at 9:00 a.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. Respondent appeared telephonically and self-represented. 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 the Recommended Order.

FINDINGS OF FACT

1. Respondent is a resident insurance producer, holding license #3640409 since March 2, 2021. (Hearing Transcript p. 26)

2. Hearing was held on February 22, 2023 regarding Respondent's license.
3. Between the May 1, 2022 and July 31, 2022, while employed with Allstate as a licensed producer, Respondent submitted declaration pages for proof of prior insurance with inconsistent fonts and alterations. (Department's Exhibits 2, 3).
4. Respondent admits to intentionally submitting altered proof of prior insurance documents as part of insurance policy applications. (Hearing Transcript p. 27)
5. Respondent places blame on another employee for Respondent's choice to submit altered documents. (Hearing Transcript p. 29)
6. Respondent did not report the other employee for submitting altered proof of prior insurance documents. (Hearing Transcript p. 30)
7. Respondent would not have left her position with Allstate except for the fact that Respondent got caught and was terminated for altering and submitting falsified proof of prior insurance documents. (Hearing Transcript p. 29)
8. Respondent was terminated for cause on September 8, 2022 for altering proof of insurance documents. (Department's Exhibit 1, Hearing Transcript p. 17, 26)
9. Respondent did not admit exhibits at the hearing.
10. The Department admitted three (3) exhibits at the hearing. Department's Exhibit 1 is the Respondent's Termination for Cause letter. Department's Exhibit 2 is Allstate's Investigation Report. Department's Exhibit 3 are altered proof of insurance documents.
11. 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 §27-1-15.6-15(a) requires insurers notify the Commissioner of terminations for cause when the reason for termination is under Indiana Code § 27-1-15.6-12 and provide additional information, documents, records, and other data pertaining to the termination.

4. Indiana Code § 27-1-15.6-12(b) authorizes the Commissioner to permanently revoke an insurance producer license, due to a number of factors.

5. Indiana Code § 27-1-15.6-12(b)(5) authorizes the Commissioner to permanently revoke an insurance producer’s license for intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance.

6. Indiana Code § 27-1-15.6-12(b)(8), authorizes the Commissioner to permanently revoke an insurance producer license for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.

7. Indiana Code § 4-21.5-3-14(c) states that the person requesting an agency take action has the burden of persuasion and the burden of going forward. The Department requests the Commissioner revoke Respondent’s resident producer license.

8. The Department relied upon the investigation report prepared by Allstate, as required by the legislature under §27-1-15.6-15(a), as a part of Department’s investigation into Respondent’s violations of Indiana insurance law.

9. The Department has met its burden of showing Respondent violated Indiana Codes §§ 27-1-15.6-12(b)(5) and 27-1-15.6-12(b)(8), due to Respondent's dishonest practices misrepresenting the terms of insurance applications by altering and submitting false proof of prior insurance documents, and that Respondent's resident producer license should be permanently revoked.

10. 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:

1. Respondent's resident insurance producer license #3640409 be permanently revoked, effective the sate the Final Order is issued.

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:

Jennifer Runyon
822 N Monticello St.
Winamac, IN 46996

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

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 21829-AG22-1011-180

IN THE MATTER OF:)

Jennifer Runyon)
822 N Monticello St.)
Winamac, IN 46996)

Respondent.)

License Number: 3640409)

Type of Agency Action: Enforcement)

FILED

NOV 29 2022

STATE OF INDIANA
DEPT. OF INSURANCE

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.*, files its Statement of Charges against Jennifer Runyon (“Respondent”), as follows:

FACTS

1. Jennifer Runyon (“Respondent”) is a resident insurance producer, holding license #3640409 since March 2, 2021.
2. Respondent was a licensed sales producer for Allstate. Respondent’s appointment with Allstate was terminated on or around September 8, 2022 for altering proof of prior insurance documents Respondent submitted to the company in order to qualify/provide customers with a more favorable premium.
3. On or about September 13, 2022, Allstate informed the Department that Respondent was terminated for cause.

4. On July 25, 2022, Respondent submitted The General Insurance policy declaration page for customer, Steven Christman auto policy number #811234722 with fonts that appeared to be inconsistent and not aligned correctly.
5. The audit revealed two additional documents that appeared to have been altered and submitted to the company by Respondent between May 1, 2022, and July 31, 2022 for declared proof of prior insurance. The first was for Carlos Larrea, policy number 811199835. The second was for Christina Homoki, policy number 811258390. Both policies were bound by bind ID SIN6361J, which belongs to Respondent.
6. On August 23, 2022, Respondent admitted to Allstate she had lied previously, and she had altered the two documents for Larrea and Christman.

CHARGES

COUNT I

1. Averments 1 through 8 are incorporated fully herein by reference.
2. Indiana Code § 27-1-15.6-12(b) states, in part, that the Commissioner may permanently revoke an insurance producer license, due to a number of causes.
3. Indiana Code § 27-1-15.6-12(b)(5), states, in part, that the Commissioner may permanently revoke an insurance producer license for intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance.

COUNT II

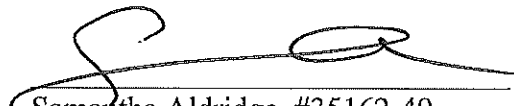
1. Averments 1 through 8 are incorporated fully herein by reference.
2. Indiana Code § 27-1-15.6-12(b) states, in part, that the Commissioner may permanently revoke an insurance producer license, due to a number of causes.

3. Indiana Code § 27-1-15.6-12(b)(8), states, in part, that the Commissioner may permanently revoke an insurance producer license for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.

WHEREFORE, the Enforcement Division of the Indiana Department of Insurance, by counsel, Samantha Aldridge, 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 resident insurance producer license #3640409; and
2. Grant all other relief necessary and proper in the premises.

Respectfully submitted,



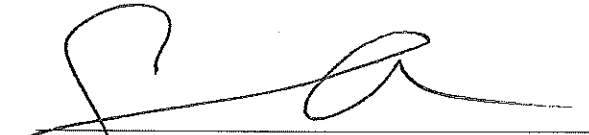
Samantha Aldridge, #35162-49
Attorney, Enforcement Division

Samantha Aldridge, Attorney
ATTN: Tina Harris, Sr. Investigator
Indiana Department of Insurance
Enforcement Division
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204-2787
Telephone: (317) 232-5312
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, this 29th day of November, 2022.

Jennifer Runyon
822 N Monticello St.
Winamac, IN 46996



Samantha Aldridge #35162-49
Attorney, Enforcement Division