

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

IN THE MATTER OF: )  
 )  
 )  
Gregory Wolfe )  
 )  
 )  
Petitioner )  
 )  
Type of Agency Action:Enforcement )  
 )

**FILED**  
**SEP 26 2023**  
STATE OF INDIANA  
DEPT. OF INSURANCE

CAUSE NO.: DOI-2304-001100  
22310-AD23-0404-037

**FINAL ORDER**

On August 09, 2023, the Administrative Law Judge, Carrie 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 his email address of record.

2. The Department has complied with the notice requirements of Ind. Code §4-21.5-3-17.

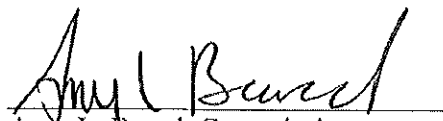
3. Neither party has filed an objection with the Commissioner regarding the Administrative Law Judge’s Findings of Fact, Conclusions of Law and Non-Final Order, and more than eighteen (18) days have elapsed.

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. The Denial of Petitioner's resident producer license application 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:

Gregory Wolfe served by email [gregwolfe.ffl@gmail.com](mailto:gregwolfe.ffl@gmail.com)

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



STATE OF INDIANA  
OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

FILED: Aug 9, 2023

Gregory Wolfe  
Petitioner

Administrative Case No.: DOI-2304-001100

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 May 11, 2023, at 9:00 AM via telephonic conference. Administrative Law Judge (ALJ) Carrie Ingram presided over the hearing. At the evidentiary hearing, Gregory Wolfe appeared telephonically, and without counsel. The Department of Insurance (DOI) appeared telephonically by Counsel Samantha Aldridge, and Investigator Tina Harris.

Gregory Wolfe and Tina Harris testified at the evidentiary hearing. Petitioner offered no exhibits for admission and Respondent offered four exhibits for admission at the evidentiary hearing. The following exhibits were admitted at the evidentiary hearing:

1. Respondent's Exhibit 1, Short Form Application for Written Consent to Engage in the Business of Insurance pursuant to 18 USC § 1033 and 1034, 9 pages, admitted without objection.
2. Respondent's Exhibit 2, Judgment in a Criminal Case before the United States District Court Northern District of Indiana for case number 2:10-cr-00207-TLS-JPK, 7 pages, admitted without objection.
3. Respondent's Exhibit 3, Final Judgment before the United States Court of Appeals for the Seventh Circuit for case number 11-3281, affirming case number 2:10-cr-00207-TLS-JPK, 1 page, admitted without objection.
4. Respondent's Exhibit 4, Written decision of the United States Court of Appeals for the Seventh Circuit for case number 11-3281, 26 pages, admitted without objection.

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 FACT<sup>1</sup>

1. On or about March 21, 2023, Petitioner applied for a resident producer license with the Commissioner of the Indiana Department of Insurance (hereinafter "Commissioner"). Petitioner disclosed a felony conviction on his application. Included with Petitioner's application was a Short Form Application for Written Consent to Engage in the Business of Insurance Pursuant to 18 USC § 1033 and 1034 (hereinafter "1033 waiver"). See Exhibit 1.
2. Petitioner's felony conviction stems from federal criminal charges filed in October 2010 in the United States District Court Northern District of Indiana, under case number 2:10-cr-00207-TLS-JPK. Petitioner was charged with one count of Bank Theft and one count of Interstate Transportation of Stolen Goods for his involvement in scheme to steal approximately \$2.9 million dollars of copper from Henry Bath and Chase Bank. See Exhibits 2 and 4.
3. Petitioner was approximately nineteen years of age at that time that he was charged. See testimony of Petitioner.
4. During the criminal trial, Petitioner placed blame his step father Greg Harris for the criminal actions and denied knowledge of the scheme despite witnesses who testified to the contrary. After a jury trial, Petitioner was found guilty of both counts in May 2011. Petitioner was sentenced to eighty-eight months' imprisonment for each count, to be served concurrently. Petitioner was also ordered to pay approximately three million dollars in restitution. See Exhibits 2 and 4.
5. Petitioner appealed the conviction to the United States Court of Appeals for the Seventh Circuit. The Seventh Circuit affirmed the District Court decision. See Exhibits 3 and 4.
6. Petitioner served his sentence in federal prison for seventy-one of the eighty-eight months' sentence and was released early for good behavior. See Exhibit 1.
7. When Petitioner was in prison, he took college courses and became certified in computer software. He became a leader of his worship team in prison and participated in bible studies and a men's group. See Exhibit 1.
8. When Petitioner was released from prison, he was to serve three years of probation. Petitioner served fourteen months of probation and was released early for good behavior in October 2019. See Exhibit 1.
9. When Petitioner was released from prison, he began working in car sales. Petitioner ultimately got promoted to the Finance Department in June 2020. See Exhibit 1.

---

<sup>1</sup> Conclusions of Law that can be adopted as Findings of Fact are incorporated as such.

10. Petitioner makes payments of \$250 per month toward his restitution and has not missed a payment. See Exhibit 1 and testimony of Petitioner.
11. Since Petitioner's release from prison, he has worked to repair relationships with his family, rebuild his credit, and save money. In two years, he has taken his credit score from a 520 to a 780. Petitioner has gotten married, bought a house, and helped to raise his children and his wife's child. Petitioner remains active in his local church. See Exhibit 1.
12. Petitioner is now thirty-three years of age. Petitioner is currently employed a Family First Life and would like to start a career selling life insurance. See testimony of Petitioner.
13. Petitioner's employer Matthew Borsch does not believe that Petitioner's job responsibilities would pose any threat to the community. See Exhibit 1.
14. Petitioner continues to blame his step father for the criminal actions that led to his conviction. In Petitioner's 1033 waiver, Petitioner notes, "because I was related to Greg Harris, they looped me in the charge." See Exhibit 1.
15. The Commissioner of DOI denied Petitioner's 1033 waiver application due to the nature of the felony convictions and the fact that Petitioner did not take responsibility for his actions. See testimony of Tina Harris.

#### **CONCLUSIONS OF LAW<sup>2</sup>**

1. DOI is responsible for licensing insurance producers who practice in the State of Indiana. Ind. Code § 27-1-15.6
2. OALP has jurisdiction over both the subject matter and the parties to this action and the Commissioner of DOI is the ultimate authority. Ind. Code § 27-1-15.6-12(d); Ind. Code §§ 4-15-10.5-12 and 13.
3. 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).
4. 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 license, therefore Petitioner bears the burden of proof.
5. 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

---

<sup>2</sup> Findings of Fact that can be adopted as Conclusions of Law are incorporated as such.

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).

6. Despite the *de novo* review, Indiana Code 27-1-15.6-12(d) limits the ALJ's review to a determination of whether the DOI Commissioner's actions were reasonable.
7. A person who has been convicted of any criminal felony involving dishonesty or a breach of trust may not engage in the business of insurance unless that person has written consent of the state insurance regulatory official authorized to regulate the insurer. 18 U.S.C.A. § 1033(e). In Indiana, that person is the Commissioner of DOI. See Ind. Code § 27-1-15.6-12.
8. The Commissioner of DOI may refuse to issue a license to an individual who has been convicted of a felony. Ind. Code § 27-1-15.6-12(b)(6). The language of the statute authorizes the Commissioner of DOI to use discretion.
9. Petitioner's felony conviction occurred in 2011, when Petitioner was approximately nineteen years of age. Petitioner was released early from prison and probation for good behavior and is making efforts to pay his restitution. Petitioner has made strides to repair his credit and rebuild his life. Nevertheless, Petitioner has not taken responsibility for the actions that led to his criminal convictions and continues to place blame on his step father.
10. Due to the nature of the criminal convictions and the fact that Petitioner has not taken responsibilities for his actions, it is not unreasonable for the Commissioner to deny Petitioner an Indiana resident insurance producer license.
11. Petitioner has not met his burden of proving that the Commissioner's decision not to issue him a license 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 application for a resident producer license.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner of the Department of Insurance on August 9, 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](mailto:dbopp@idoi.in.gov).

So Ordered: August 9, 2023.



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

Distribution:

Petitioner: Gregory Wolfe served by email at [gregwolfe.ffl@gmail.com](mailto:gregwolfe.ffl@gmail.com)

Respondent: Department of Insurance served by email to Attorney Samantha Aldridge at [saldrige@idoi.in.gov](mailto:saldrige@idoi.in.gov)

Ultimate Authority: Commissioner of the Department of Insurance served by email at [DBopp@idoi.in.gov](mailto:DBopp@idoi.in.gov)

STATE OF INDIANA )  
 ) SS:  
 COUNTY OF MARION )  
 IN THE MATTER OF: )  
 )  
 Gregory Wolfe )  
 405 Shepherds Way )  
 Osceola, Indiana 46561 )  
 )  
 Applicant. )  
 )  
 Type of Agency Action: Enforcement )  
 )  
 License Application #: 1044972 )

BEFORE THE INDIANA  
 COMMISSIONER OF INSURANCE

CAUSE NO.: 22310-AD23-0404-037

**FILED**  
 APR 05 2023  
 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 Gregory Wolfe (“Applicant”) of the following Administrative Order:


1. Applicant submitted an application for resident producer licensure with the Commissioner of the Indiana Department of Insurance (“Commissioner”) on March 21, 2023.
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. Applicant disclosed on his application that on or around May 27, 2011, he was convicted of Bank Theft, a felony and Interstate Transportation of Stolen Goods, a felony, in the United States District Court in the state of Indiana.
4. Indiana Code § 27-1-15.6-12(b)(6) provides, in part, that the Commissioner may refuse to issue an insurance producer license for having been convicted of a felony.



5. Following a review of public records and the materials submitted by the Applicant, 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 May 27, 2011, convictions for Bank Theft and Interstate Transportation of Stolen Goods.
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 applicant's 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 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 Code 27-1-15.6-12(b)(6) due to Applicant's felony convictions. Applicant may reapply for licensure not less than one (1) year from the date of this order.

04.05.2023  
Date Signed

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

Distribution:

Gregory Wolfe  
405 Shepherds Way  
Osceola, Indiana 46561

Samantha Aldridge, Attorney  
ATTN: Tina Harris, Investigator  
Indiana Department of Insurance  
311 W. Washington St., Suite 103  
Indianapolis, IN 46204  
317 234-5883, Fax 317 234-2103



# STATE OF INDIANA

ERIC J. HOLCOMB, GOVERNOR

Indiana Department of Insurance

Amy L. Beard, Commissioner  
311 W. Washington Street, Suite 103  
Indianapolis, Indiana 46204-2787  
Telephone: 317-232-2385  
Fax: 317-232-5251  
Website: in.gov/idoi

April 5, 2023

Gregory Wolfe  
405 Shepherds Way  
Osceola, IN 46561

**Re: Consent to participate in the business of insurance under 18 U.S.C. 1033  
Federal Violent Crime Control and Law Enforcement Act of 1994  
File #: E-22310**

Mr. Wolfe:

The Commissioner of Insurance of the State of Indiana, having been advised of the May 27, 2011, convictions for Bank Theft, felony conviction, and Interstate Transportation of Stolen Goods, felony conviction of Gregory Wolfe; and, pursuant to 18 U.S.C. 1033(e)(2), **DOES HEREBY DENY CONSENT TO Gregory Wolfe's** position in the insurance business in Indiana, in the position of an Insurance Broker for Family First Life.

You may, not more than fifteen (15) days after notice of denial of your application, make a written demand to the Commissioner for a hearing before the Commissioner to determine the reasonableness of the Commissioner's action. The hearing will be set within thirty (30) days of receiving the request for a hearing.

Regards,

Amy L. Beard  
Commissioner  
Indiana Department of Insurance

Date signed 04.05.2023