

STATE OF INDIANA        )  
                                  ) SS:       BEFORE THE INDIANA  
COUNTY OF MARION        )       COMMISSIONER OF INSURANCE

DOI CAUSE NO: 21488-AD22-0502-053  
ADMINISTRATIVE CAUSE NO.: DOI-2303-000591

IN THE MATTER OF:        )

Steven D. Goodman        )  
15 W. Pine St.            )  
Knightstown, IN 46148    )

Petitioner.                )

License Application #: 965510        )

Type of Agency Action: Enforcement    )

**FILED**

DEC 11 2023

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER**

On October 13, 2023, the Administrative Law Judge, Carrie Ingram, filed her Non-Final Administrative Decision, which operates as the recommended order under Indiana Code § 4-21.5-3-27 in the above-captioned matter (the "Recommended Order"). Counsel for the Department timely filed an objection with the Commissioner regarding the Recommended Order on October 27, 2023. The ultimate authority shall issue a final order affirming, modifying, or dissolving the administrative law judge's order under Ind. Code § 4-21.5-3-29.

Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts the Recommended Order, subject to the following modifications:

1. In the Procedural History section, Paragraph 9 is modified to read as follows: "On August 21, 2023, the record was reopened, and a Status Conference was scheduled because the Preliminary Administrative Order and Notice of License Denial did not include a civil penalty."
2. In the Procedural History section, Paragraph 11 is modified to read as follows: "A Status Conference was held telephonically on September 27, 2023. DOI appeared by Counsel

Samantha Aldridge and Tina Harris. The Petitioner Steven Goodman appeared self-represented. The ALJ closed the hearing record at the conclusion of the Status Conference.”

**FINAL ORDER**

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. The preliminary denial of Petitioner’s Indiana resident insurance producer’s license is AFFIRMED.
2. Petitioner may reapply for licensure in accordance with the June 1, 2022, Preliminary Administrative Order of License Denial.

Under Ind. Code §4-21.5-5-5, Petitioner 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 11 day of December 2023.

  
Amy L. Beard, Commissioner  
Indiana Department of Insurance

Copies to:

Steven Goodman, Petitioner  
sgoodman63@gmail.com

Samantha Aldridge  
Counsel for Respondent, Indiana Department of Insurance  
saldridge@idoi.in.gov

STATE OF INDIANA     )  
                                  )SS:  
COUNTY OF MARION    )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

DOI CAUSE NO.: 21488-AD22-0502-053  
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      Petitioner.                        )  
  )  
Type of Agency Action: Enforcement   )  
  )  
License Number #: 965510             )

**DEPARTMENT’S OBJECTION TO RECOMMENDED ORDER**

Comes now the Enforcement Division of the Indiana Department of Insurance (“Department”) by counsel, Samantha Aldridge, to object to the Administrative Law Judge’s Non-Final Administrative Decision issued on October 13, 2023 and in support of such objections shows the Commissioner of the Indiana Department of Insurance (“Commissioner”) the following:

1. On June 1, 2022, the Commissioner issued her Preliminary Administrative Order and Notice of License Denial (“Denial Order”) against Steven D. Goodman (“Petitioner”) due to a then existing December 3, 2014 conviction for Resisting Law Enforcement/Use of Vehicle to Commit Offense, a Class D Felony, Respondent’s failure to timely report the conviction to the Department while previously licensed, and for Respondent’s failure to disclose the conviction on his application for licensure.
2. On June 13, 2022, Petitioner timely requested an appeal of the Denial Order and waived his right to have a hearing within thirty (30) days.

3. The Parties were engaged in informal settlement negotiations which ultimately were not successful.

4. On April 20, 2023, a telephonic evidentiary hearing (“Hearing”) was held with the Office of Administrative Law Proceedings to determine whether the Denial Order of Petitioner’s application for resident insurance license was reasonable.

5. On May 22, 2023, the Department filed its Proposed Findings of Fact, Conclusion of Law and Recommended Order (“Proposed Recommended Order”).

6. On August 21, 2023, the Administrative Law Judge (“ALJ”) in the above-captioned matter issued an Order to Reopen the Record (“Order to Reopen”).

7. On September 25, 2023, the Department filed an objection to the Order to Reopen for lack of with the written consent of all parties or for good cause shown to reopen the record as required under Indiana Code 4-21.5-3-27(g).

8. On September 27, 2023 a status conference was held on the Order to Reopen.

9. On October 13, 2023, ALJ Carrie T. Ingram issued her Non-Final Administrative Decision (“Recommended Order”).

10. The October 13, 2023 Order operates as the Recommended Order in the above-captioned matter under Indiana Code § 4-21.5-3-27.

11. The Department objects to the Recommended Order Procedural History paragraphs nine and eleven.

12. The “Procedural History” section of the Recommended Order in paragraph nine states: “On August 21, 2023, the record was reopened, and a Status Conference was scheduled because the Preliminary Administrative Order and Notice of License Denial did not contain a civil

penalty. Therefore the relief sought in DOI's Proposed Findings of Fact, Conclusions of Law, and Recommended Order were outside of the scope of the ALJ's authority."

13. The ALJ is not required to adopt proposed recommendations from either party.

14. The ALJ may adopt any, all, or none of the proposed findings as submitted by the Department including any proposed recommendation regarding the underlying administrative action.

15. The Department's proposed findings do not preclude the ALJ from issuing a recommended order.

16. The Proposed Recommended Order is a recommendation for the ALJ's consideration for the submission by the ALJ of a recommended, nonfinal, order. The Department proposed the ALJ recommend to the ultimate authority that Petitioner be granted licensure upon timely payment of a civil penalty.

17. The purpose of the Hearing was to determine the reasonableness of Commissioner's preliminary Denial Order. Ind. Code §27-1-15.6-12(d).

18. The Denial Order was issued for violations of Indiana Codes §§ 27-1-15.6-12(b)(6) and 27-1-15.6-12(b)(2)(A) based on an underlying violation of § 27-1-15.6-17(b).

19. Indiana Code §27-1-15.6-12(b) provides the Commissioner may take any of the following actions: "reprimand, levy a civil penalty, place an insurance producer on probation, suspend an insurance producer's license, revoke an insurance producer's license for a period of years, permanently revoke an insurance producer's license, or refuse to issue or renew an insurance producer license, or take any combination of these actions".

20. When determining the reasonableness of Commissioner's Denial Order, the ALJ may and should consider all actions available to the Commissioner; a recommended order that

recommends any action permitted by the statute is within the ALJ's scope of authority. To the extent the ALJ finds that recommending a civil penalty is outside the scope of the ALJ's authority, the Department objects.

21. The "Procedural History" section of the Recommended Order in paragraph eleven goes into detail on the ALJ and parties' positions/testimony at the September 27, 2023 status hearing regarding the Department's Proposed Recommended Order.

22. Indiana Code §4-21.5-3-27(d) states, in part, that Findings must be based exclusively on evidence of the record in the proceeding and on matters officially noticed in that proceeding. To the extent that the Recommended Order includes substantive details of testimony taken after and outside of the conclusion of the Evidentiary Hearing, the Department objects.

23. This Objection is being filed with the Commissioner within fifteen (15) days from the date of the filing of the Recommended Order pursuant to Indiana Code § 4-21.5-3-29(d).

WHEREFORE, the Department's Enforcement Division by its counsel, initiates this Objection to the Recommended Order proposed by the ALJ and respectfully requests that the Commissioner adopt Findings of Fact and Conclusions of Law consistent with these objections.

Respectfully submitted,

/s/ Samantha Aldridge

Samantha Aldridge, Attorney No. 35162-49  
Department of Insurance  
Enforcement Division  
311 West Washington Street, Suite 103  
Indianapolis, Indiana 46204-2787

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing Objection to Recommended Order has been served upon Petitioner in the above-captioned proceeding via email the same day as filing.

Steven Goodman- sgoodman63@gmail.com

/s/ Samantha Aldridge  
Samantha Aldridge, Attorney No. 35162-49  
Department of Insurance

Distribution:

Steven Goodman- sgoodman63@gmail.com

Samantha Aldridge, Attorney - saldrige@idoi.in.gov

Dawn Bopp, Indiana Department of Insurance- dbopp@idoi.in.gov

Office of Administrative Law Proceedings- OALP@oalp.in.gov



**ISSUED:**  
October 13,  
2023

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

**Steven Goodman,  
Petitioner,**

**v.**

**Department of Insurance,  
Respondent.**

**Administrative Case Number: DOI-2303-000591**

**Ultimate Authority: Commissioner of the Department of Insurance**

**NON-FINAL ADMINISTRATIVE DECISION**

The Administrative Law Judge (ALJ) Carrie Ingram, having reviewed the evidence, hearing record, and arguments presented in this matter, now issues this Non-Final Order addressing the decision by the Department of Insurance (DOI) to deny Petitioner's application for a resident insurance producer license. This decision is favorable to DOI. Any aggrieved party may appeal this decision. Appeal instructions are at the end of this document.

**Jurisdiction**

The ALJ assigned to this matter by the Director of the Office of Administrative Law Proceedings (OALP), *see* Ind. Code § 4-15-10.5-13, has jurisdiction over this case pursuant to Indiana Code § 4-15-10.5-12, which gives OALP jurisdiction over agency administrative actions subject to the Indiana Administrative Orders and Procedures Act at Indiana Code Art. 4-21.5 (AOPA) or "any other statute that requires or allows the office to take action." The OALP has jurisdiction over this case because this case is governed by AOPA.

**Issue**

The issue(s) in this case are: whether Petitioner's application for a resident insurance producer license should be denied.



### Procedural History

1. On June 1, 2022, DOI issued a Preliminary Administrative Order and Notice of License Denial. The Preliminary Order denied Petitioner's application for a resident insurance producer license but permitted Petitioner to reapply for licensure not less than one year from June 1, 2022.
2. On June 13, 2022, Petitioner filed a request to appeal the Preliminary Administrative Order and Notice of License Denial.
3. Petitioner's request for appeal was forwarded to OALP on March 3, 2023.
4. An evidentiary hearing was held on this matter on April 20, 2023, at 9:00 AM via telephonic conference. ALJ Brian Hahn presided over the hearing. At the evidentiary hearing, Steven Goodman appeared telephonically, and without counsel. DOI appeared telephonically by Counsel Samantha Aldridge, and Investigator Tina Harris.
5. The following Exhibits were offered by the Parties and admitted at the Administrative Hearing by the ALJ:
  - a. Respondent's Exhibit 1, Petitioner's application for resident insurance producer license, 2 pages, admitted without objection.
  - b. Respondent's Exhibit 3, Orders from case number 33C03-1405-FD-000141, 6 pages, admitted without objection.
  - c. Respondent's Exhibit 4, Chronological Case Summary for case number 33C03-1405-FD-000141, 10 pages, admitted without objection.
  - d. Respondent's Exhibit 5, Order of Expungement for case number 33C03-2207-XP-000041, 16 pages, admitted without objection.
  - e. Respondent's Exhibit 6, Petition, Response, and Order Modify Conviction from a Level "D" or "6" Felony to a Class "A" Misdemeanor for case number 33C03-1405-FD-000141, 5 pages, admitted without objection.
  - f. Respondent's Exhibit 7, History of Petitioner's Applications for licensure, 16 pages, admitted without objection.
6. On May 22, 2023, DOI filed Proposed Findings of Fact, Conclusions of Law and Recommended Order (hereinafter "Proposed Order"), which included the following language in the Recommended Order section:

1. Petitioner's resident producer license application #965510 shall be approved contingent upon Petitioner's timely payment of the civil penalty.
  2. Petitioner shall pay a civil penalty in the amount of five hundred dollars (\$500) to the Department within thirty (30) days after the date of the Final Order.
  3. Failure to timely pay the civil penalty will result in the Department denying Petitioner's resident producer license.
7. Prior to rendering of Findings of Law, Conclusions of Law, and a Nonfinal Order in this matter, ALJ Hahn became unavailable to serve as the ALJ in this matter. The OALP Director reassigned this matter to ALJ Ingram to issue Findings of Fact, Conclusions of Law, and a Nonfinal Order pursuant to Indiana Code 4-21.5-3-27(e).
  8. ALJ Ingram thoroughly reviewed the record of the proceeding, including listening to the recording of the hearing, reviewing all exhibits admitted at the hearing, reading DOI's Proposed Order, and reading all other pleadings filed in this matter.
  9. On August 21, 2023, the record was reopened, and a Status Conference was scheduled because the Preliminary Administrative Order and Notice of License Denial did not contain a civil penalty. Therefore the relief sought in DOI's Proposed Findings of Fact, Conclusions of Law, and Recommended Order were outside of the scope of the ALJ's authority.
  10. On September 25, 2023, DOI filed an objection to the reopening the record.
  11. A Status Conference was held telephonically on September 27, 2023. DOI appeared by Counsel Samantha Aldridge and Tina Harris. The Petitioner Steven Goodman appeared self-represented. At the Status Conference, the ALJ requested that DOI clarify its position on this matter. DOI requested that the ALJ find that Petitioner was in violation of Ind. Code §§ 27-1-1.6-12(b)(1),(b)(6), and (2)(A), and that the ALJ recommend a sanction less than a complete denial, which includes a \$500 civil penalty. Without notice and opportunity to have a hearing on the issue of a civil penalty, the ALJ was unwilling to entertain a civil penalty sanction. The ALJ gave the parties an opportunity to have a hearing on the issue of a civil penalty. DOI requested that a decision be issued. Petitioner did not want to have to pay a civil penalty but would do so if it meant he got to have his license. The ALJ closed the hearing record at the conclusion of the Status Conference.

#### **Findings of Fact**

1. Petitioner was originally licensed with DOI as a resident insurance producer on or about September 10, 2008. See testimony of Petitioner.



2. In order to keep his license active, Petitioner needed to apply for renewal of his license every two years. See Exhibit 7.
3. Petitioner's license had been renewed in September 2010, October 2012, November 2014, November 2016 and November 2018. See Exhibit 7.
4. In each application to renewal Petitioner's license, he was asked if he had a felony conviction. Petitioner answered "No" to the question in his 2018 application. See Exhibit 7.
5. On or about December 3, 2014, Petitioner was convicted of resisting law enforcement, a Class D Felony. Petitioner did not report the pending criminal charges to DOI while the criminal case was pending, nor did he report them any time thereafter. See testimony of Petitioner.
6. Petitioner let his license expire during the COVID-19 pandemic. See testimony of Petitioner.
7. On or about April 28, 2022, Petitioner applied again for a resident insurance producer license with DOI. See Exhibit 1.
8. On Petitioner's application, he was asked if he had a felony conviction. Petitioner answered "No" to the question. See Exhibit 1.
9. After the Commissioner made a preliminary decision to deny Petitioner's application for a resident insurance producer license, Petitioner filed for expungement of his felony conviction. Petitioner's request to expunge his felony conviction was ultimately granted and the conviction was expunged on or about August 23, 2022. See testimony of Tina Harris.

#### **Conclusions of Law**

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 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 Commissioner’s actions are reasonable.
7. The Commissioner denied Petitioner’s application for licensure because he did not meet the requirements of Ind. Code §§ 27-1-15.6-12(b)(1), (b)(2)(A), and (b)(6).
8. An application for a resident insurance producer license may be denied for “providing incorrect, misleading, incomplete, or materially untrue information in a license application,” Ind. Code § 27-1-15.6-12(b)(1), “violating an insurance law,” Ind. Code § 27-1-15.6-12(b)(2)(A), or for having a felony conviction. Ind. Code § 27-1-15.6-12(b)(6). It is a violation of insurance law if a licensed insurance producer does not report to DOI any criminal prosecution within thirty days after the initial pretrial hearing. Ind. Code § 27-1-15.6-17.
9. Petitioner’s felony conviction was expunged, and therefore DOI can no longer deny Petitioner a resident producer license for having a felony conviction. It is not reasonable for the Commissioner to continue use the felony conviction as a basis to deny Petitioner’s application.
10. Despite that, Petitioner provided incorrect and materially untrue information on his application for renewal in 2018 and on April 28, 2022. The crux of Ind. Code § 27-1-15.6-12(b)(1) is to ensure that applicants are giving honest and truthful information to DOI when applying for a license. At the time of both the 2018 and 2022 applications, Petitioner still had a felony conviction and reported on his applications that he did not. At that time, the information provided by Petitioner was incorrect and materially untrue. Therefore, it is reasonable for the Commissioner to continue to deny his application for providing that incorrect and materially untrue information on his application.
11. Similarly, Petitioner had an obligation in 2014 to report to DOI that there was a criminal prosecution against him, and he failed to do so. At that time, he violated an insurance law, and it is reasonable for the Commissioner to continue to deny his application for violating that insurance law.

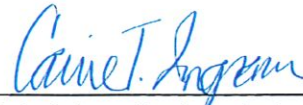


12. Petitioner has not met his burden of proving that the Commissioner's decision not to issue him a license was unreasonable.

### Decision and Order

The ALJ recommends that the Commissioner AFFIRM her June 1, 2022, Preliminary Administrative Order and Notice of License Denial. That order allowed Petitioner to reapply for licensure not less than one year from June 1, 2022. It is well past that one year, and therefore, Petitioner may reapply for licensure.

So ordered on: October 13, 2023.



Administrative Law Judge  
Carrie Ingram

### Appeal Rights

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).

#### Distribution:

Petitioner, Steven Goodman, sent via e-mail at [sgoodman63@gmail.com](mailto:sgoodman63@gmail.com)

Respondent, DOI, sent via e-mail at [saldrige@idoi.in.gov](mailto:saldrige@idoi.in.gov)

Ultimate Authority, DOI Commissioner, sent via e-mail at [DBopp@idoi.IN.gov](mailto:DBopp@idoi.IN.gov)

STATE OF INDIANA     )  
                                  )SS:  
COUNTY OF MARION    )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

DOI CAUSE NO.: 21488-AD22-0502-053  
ADMINISTRATIVE CAUSE NO.: DOI-2303-000591

IN THE MATTER OF:                     )  
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Steven D. Goodman                     )  
15 W. Pine St.                         )  
Knightstown, IN 46148                 )  
  )  
      Petitioner.                        )  
  )  
Type of Agency Action: Enforcement   )  
  )  
License Number #: 965510             )

**DEPARTMENT’S OBJECTION TO ORDER TO REOPEN THE RECORD**

Comes now the Enforcement Division of the Indiana Department of Insurance (“Department”) by counsel, Samantha Aldridge, and submits the Department’s Objection to Order to Reopen the Record and in support of such objections submits the following:

1. On August 21, 2023, the Administrative Law Judge (“ALJ”) in the above-captioned matter issued an Order to Reopen the Record (“Order to Reopen”).
2. Steven D. Goodman (“Petitioner”) was previously licensed with the Department from September 10, 2008 until October 31, 2020.
3. Petitioner applied for resident insurance producer license on April 28, 2022.
4. On June 1, 2022 the Commissioner of the Department of Insurance (“Commissioner”) issued her Preliminary Administrative Order and Notice of License Denial (“Denial Order”) against Petitioner due to Petitioner’s then existing felony conviction, failure to timely report the felony conviction while previously licensed, and failure to disclose the then existing felony conviction on his April 28, 2022 application for licensure.

5. On June 13, 2022, Petitioner timely requested an appeal of the Denial Order and waived his right to have a hearing within thirty (30) days.

6. At that time, the Parties were engaged in informal settlement negotiations which ultimately were not successful.

7. On April 20, 2023, a telephonic evidentiary hearing (“Hearing”) was held with the Office of Administrative Law Proceedings (“OALP”) to determine whether the Denial Order of Petitioner’s application for a resident insurance producer license was reasonable.

8. A May 22, 2023 due date for parties to submit their proposed recommended orders was set at the Hearing. (Hearing Transcript p. 48)

9. On May 22, 2023, the Department filed its Proposed Findings of Fact, Conclusion of Law and Recommended Order (“Proposed Recommended Order”).

10. Indiana Code 4-21.5-3-27(g) requires a recommended order shall be issued in writing within ninety (90) days after submission of proposed findings, unless this period is waived or extended with the written consent of all parties or for good cause shown.

11. The deadline for submission of a recommended order was Monday, August 21, 2023.

12. The parties were not provided prior notice regarding the reopening of the record, nor did the parties consent to a reopening of the record.

13. The ALJ is not required to adopt proposed recommendations from either party.

14. The ALJ can review the Department’s Proposed Recommended Order and may adopt any proposed findings as submitted by the Department including any proposed recommendation regarding the underlying administrative action.

15. However, the Department's proposed findings do not preclude the ALJ from issuing a recommended order.

16. Absent good cause to reopen the record, the ALJ shall issue a recommended order in the above-captioned matter.

17. The Proposed Recommended Order is a recommendation for the ALJ's consideration for the submission by the ALJ of a recommended, nonfinal, order. The Department proposes the ALJ recommend to the ultimate authority that Petitioner be granted licensure upon timely payment of a civil penalty.

18. The Commissioner alone holds the power to issue a final agency action. Ind. Code § 4-15-10.5-12(b).

19. The Order to Reopen sets a Status Conference to "address the possibility of a settlement" with further instruction, "the parties shall converse on the possibility of settling this matter."

20. The Commissioner has not delegated the authority to determine the appropriateness of alternative dispute resolution to the ALJ. Ind. Code § 4-21.5-3.5-2.

21. Further, the purpose of the Hearing is to determine the reasonableness of Commissioner's preliminary Denial Order. Ind. Code §27-1-15.6-12(d).

22. The Denial Order was issued for violations of Indiana Codes §§ 27-1-15.6-12(b)(6) and 27-1-15.6-12(b)(2)(A) based on an underlying violation of § 27-1-15.6-17(b).

23. Indiana Code §27-1-15.6-12(b) provides the Commissioner may take any of the following actions: "reprimand, levy a civil penalty, place an insurance producer on probation, suspend an insurance producer's license, revoke an insurance producer's license for a period of



years, permanently revoke an insurance producer's license, or refuse to issue or renew an insurance producer license, or take any combination of these actions".

24. When determining the reasonableness of Commissioner's Denial Order, the ALJ may and should consider all actions available to the Commissioner; a recommended order that recommends any action permitted by the statute is within the ALJ's scope of authority.

25. For the aforementioned reasons, the Department objects to the Order to Reopen the Record.

WHEREFORE, the Department's Enforcement Division by counsel, submits this Objection to the Order to Reopen the Record and respectfully requests a recommended order be issued.

Respectfully submitted,

/s/ Samantha Aldridge

Samantha Aldridge, Attorney No. 35162-49  
Department of Insurance  
Enforcement Division  
311 West Washington Street, Suite 103  
Indianapolis, Indiana 46204-2787  
Telephone: (317) 234-5887

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing Objection to Recommended Order has been served upon Petitioner in the above-captioned proceeding via email the same day as filing.

Steven Goodman- sgoodman63@gmail.com

/s/ Samantha Aldridge  
Samantha Aldridge, Attorney No. 35162-49  
Department of Insurance

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Samantha Aldridge, Attorney - saldrige@idoi.in.gov

Dawn Bopp, Indiana Department of Insurance- dbopp@idoi.in.gov

Office of Administrative Law Proceedings- OALP@oalp.in.gov



STATE OF INDIANA  
OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

FILED: Aug 21, 2023

Steven Goodman  
Petitioner

Administrative Case No.: DOI-2303-000591

v.

Department of Insurance  
Respondent

Ultimate Authority: Commissioner of the Department of Insurance

**ORDER TO REOPEN THE RECORD**

An evidentiary hearing was held on this matter on April 20, 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).

On May 22, 2023, the Department of Insurance submitted its Proposed Findings of Fact, Conclusions of Law, and Recommended Order (hereinafter "Proposed Order"). Based on this Proposed Order, DOI's position is that Petitioner's resident producer license application should be approved contingent upon Petitioner's payment of a \$500 civil penalty to DOI within thirty days of the Final Order.

Because the Preliminary Administrative Order and Notice of License Denial does not contain a civil penalty, but instead merely denies Petitioner's application, it is outside of the scope of the ALJ's authority to order a civil penalty based on the evidence presented at the hearing. Despite that, if the parties were to agree to this arrangement, the ALJ would find that an agreement appropriately resolves this case. As a result, the ALJ reopens the record for the purposes of discussing the possibility of a settlement.

This matter is scheduled for a Status Conference to address the possibility of a settlement. Prior to the Status Conference, the parties shall converse on the possibility of settling this matter. The Status Conference will be held on:

**Date: September 21, 2023**

**Time: 9:00 AM Eastern Time**

To participate in the status conference, the parties will need to either dial **833-568-8864** and when prompted enter **160 8426 1043** as the Meeting ID number. The parties may also participate using the following Zoom Link:

<https://www.zoomgov.com/j/16084261043>.

If you have any trouble connecting, please contact OALP at (317) 234-6689 or [oalp@oalp.in.gov](mailto:oalp@oalp.in.gov).

So Ordered: August 21, 2023.

A handwritten signature in cursive script, reading "Carrie T. Ingram", written in black ink. The signature is positioned above a horizontal line.

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

Distribution:

Petitioner: Steven Goodman served by email at [sgoodman63@gmail.com](mailto:sgoodman63@gmail.com)

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



STATE OF INDIANA  
OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

**FILED:** Sep 8, 2023

**Steven Goodman**  
Petitioner

Administrative Case No.: DOI-2303-000591

v.

**Department of Insurance**  
Respondent

**Ultimate Authority: Commissioner of the Department of Insurance**

**ORDER TO CONTINUE STATUS CONFERENCE**

Due to unavailability of the ALJ, the Status conference scheduled for September 21, 2023, is continued to the following date and time:

The Status Conference will be held on:

**Date: September 27, 2023**

**Time: 9:00 AM Eastern Time**

To participate in the status conference, the parties will need to either dial **(833) 568-8864** and enter **160 8426 1043** as the Meeting ID number. The parties may also participate using the following Zoom Link: <https://www.zoomgov.com/j/16084261043>. If you have any trouble connecting, please contact OALP at (317) 234-6689 or [oalp@oalp.in.gov](mailto:oalp@oalp.in.gov).

So Ordered: September 8, 2023.

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

**Distribution:**

Petitioner: Steven Goodman served by email at [sgoodman63@gmail.com](mailto:sgoodman63@gmail.com)

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

STATE OF INDIANA       )  
                                  )SS:  
COUNTY OF MARION     )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

DOI CAUSE NO.: 21488-AD22-0502-053  
ADMINISTRATIVE CAUSE NO.: DOI-2303-000591

IN THE MATTER OF:                     )  
  )  
Steven D. Goodman                     )  
15 W. Pine St.                         )  
Knightstown, IN 46148                 )  
  )  
        Petitioner.                     )  
  )  
Type of Agency Action: Enforcement   )  
  )  
License Number #: 965510             )

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

The Administrative Law Judge (“ALJ”), having considered and reviewed all of the evidence, will now render a decision in the matter of Steven D. Goodman (“Petitioner”). This matter came to be heard by the ALJ Brian D. Hahn on April 20, 2023 at 9:00 a.m. via audio conferencing with 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 and without counsel. 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.       Petitioner was previously licensed with the Department from September 10, 2008 until October 31, 2020. (Hearing Transcript p. 22)

2. Petitioner applied for resident insurance producer license on April 28, 2022.  
(Hearing Transcript p. 22)

3. Preliminary Administrative Order and Notice of License denial was issued June 1, 2022.

4. Hearing was held on April 20, 2023 regarding Petitioner's license status.

5. On or about May 19, 2014, Petitioner was charged in Scott County criminal case 33C03-1405-FD-000141.

6. Petitioner failed to notify the Commissioner of Petitioner's pending criminal prosecution within thirty (30) days of Petitioner's scheduled initial hearing date of May 20, 2019 or at any point while 33C03-1405-FD-000141 was pending. (Exhibit 4; Hearing Transcript p. 24)

7. On or about December 3, 2014 Petitioner plead guilty to and was convicted of Resisting Law Enforcement with Use of a Vehicle to Commit, a class D Felony (Department's Exhibits 3,4, Hearing Transcript p. 23)

8. Petitioner failed to report Petitioner's felony conviction on Petitioner's 2018 renewal application. (Department's Exhibit 7; Hearing Transcript p. 17, 43)

9. Petitioner answered "no" to the question that asks if Petitioner has been convicted of a felony on Petitioner's April 28, 2022 application. (Exhibit 1; Hearing Transcript p. 23)

10. Subsequent to Petitioner's submission of Petitioner's application for licensure on April 28, 2022, Petitioner filed for and was granted a reduction in cause number 33C03-1405-FD-000141 that reduced Petitioner's Class D Felony conviction for Resisting Law Enforcement to a Class A Misdemeanor on June 10, 2022. (Department's Exhibit 6)

11. Petitioner was further granted expungement under Indiana Code § 35-38-9-10(i) for cause number 33C03-1405-FD-000141 on August 23, 2022 while the above captioned case was pending.

12. Indiana Code § 35-38-9-0.6(a)(3) permits the use of records related to Petitioner's now expunged criminal case under cause number 33C03-1405-FD-000141 for the purpose of proceedings as it relates to licensing.

13. Petitioner appears remorseful. (Hearing Transcript p. 25)

14. Petitioner demonstrated how Petitioner's life has changed since Petitioner's 2014 conviction, which stemmed from problems with alcohol. Petitioner has been sober for six (6) years and actively participates in Alcoholics Anonymous. (Hearing Transcript p. 15)

15. While the above captioned matter has been pending, Petitioner secured a reduction in Petitioner's conviction at issue from a felony to a misdemeanor and a further expungement of the criminal case. (Department's Exhibits 5, 6)

16. Petitioner admitted no exhibits at the hearing.

17. The Department admitted six (6) exhibits at the hearing. Department's Exhibit 1 is the Petitioner's 2022 application for licensure. What was marked for identification purposes as Department's Exhibit 2 was neither offered nor admitted into evidence. Department's Exhibit 3 is Petitioner's Judgement and Sentencing Order for cause number 33C03-1405-FD-000141. Department's Exhibit 4 is the Chronological Case Summary of cause number 33C03-1405-FD-000141. Department's Exhibit 5 is the order granting expungement of cause number 33C03-1405-FD-000141. Department's Exhibit 6 is the petition to modify Petitioner's conviction in cause number 33C03-1405-FD-000141 from a level D felony to a class A misdemeanor. Exhibit 7 is Petitioner's prior applications for licensure and/or renewal.



18. 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 § 27-1-15.6-12(b) states that the Commissioner may refuse to issue an insurance producer license, due to a number of factors.

4. Indiana Code § 27-1-15.6-12(b)(1) authorizes the Commissioner to deny a producer’s license for providing incorrect, misleading, incomplete, or materially untrue information in a license application.

5. Indiana Code § 27-1-15.6-12(b)(6) allows the Commissioner to refuse to issue an insurance producer’s license for having been convicted of a felony.

6. Indiana Code § 27-1-15.6-12(b)(2)(A), authorizes the Commissioner to deny an insurance producer’s license for violating an insurance law.

7. Indiana Code § 27-1-15.6-17(b), is an insurance law, which states not more than thirty (30) days after an initial pretrial hearing date, a producer shall report to the Commissioner any criminal prosecution of the producer initiated in any jurisdiction.

8. 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. Here, Petitioner is requesting that the Department issue her a resident producer license and 1033 waiver and, therefore, Petitioner bears the burden.

9. Pursuant to Indiana Code § 27-1-27-7.1(c), a hearing was held to determine the reasonableness of the Commissioner's decision, and due to the testimony that Petitioner provided at the hearing, Petitioner should be issued a resident producer license upon timely payment of a civil penalty of five hundred dollars (\$500) due to Petitioner's failure to timely report Petitioner's pending prosecution, failure to report Petitioner's then existing felony conviction on Petitioner's 2018 renewal application, and failure to report Petitioner's then existing felony conviction on Petitioner's 2022 application for resident producer licensure.

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. Petitioner's resident producer license application #965510 shall be approved contingent upon Petitioner's timely payment of the civil penalty.
2. Petitioner shall pay a civil penalty in the amount of five hundred dollars (\$500) to the Department withing thirty (30) days after the date of the Final Order.
3. Failure to timely pay the civil penalty will result in the Department denying Petitioner's resident producer license.

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:

Steven D. Goodman  
15 W. Pine St.  
Knightstown, IN 46148

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



FILED: Mar 10, 2023

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

FINAL AGENCY AUTHORITY: Commissioner of the Department of Insurance

Steven D. Goodman,

**Petitioner,**

V.

Indiana Department of Insurance,

**Respondent.**

Administrative Cause No.: DOI-2303-000591

Underlying Agency Action No.: 21488-AD22-0502-053

**NOTICE OF ADMINISTRATIVE LAW JUDGE ASSIGNMENT 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](mailto:OALP@oalp.IN.gov); or  
File Documents by postal mail at:  
Office of Administrative Law Proceedings  
Attn: [insert the 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 ALJ 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](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. If a party wishes to request a video conference or an in-person hearing, they may contact [oop@oop.in.gov](mailto:oop@oop.in.gov) including 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, April 20, 2023**

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

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

Details for Conference Line:

**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.

**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.

**REPRESENTATION:** 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.

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 10, 2023



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

**Distributed to Parties:**

Steven D. Goodman – Petitioner, served personally by email at [sgoodman63@gmail.com](mailto:sgoodman63@gmail.com)

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

CAUSE NO.: 21488-AD22-0502-053

IN THE MATTER OF:     )

Steven D. Goodman     )  
15 W. Pine St.         )  
Knightstown, IN 46148    )

Applicant.             )

Type of Agency Action: Enforcement    )

License Application #: 965510            )

FILED

JUN 01 2022

STATE OF INDIANA  
DEPT. OF INSURANCE



Filed March 3, 2023

**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 Steven D. Goodman (“Applicant”) of the following Administrative Order:

1. Applicant was previously licensed as a resident producer with the Indiana Department of Insurance from September 10, 2008, to October 31, 2020, under license number 615064.
2. Applicant filed an application to reactivate his resident producer licensure with the Commissioner of the Indiana Department of Insurance (“Commissioner”) on April 28, 2022.
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 an insurance producer’s license for providing incorrect, misleading, incomplete, or materially untrue information in a license application.

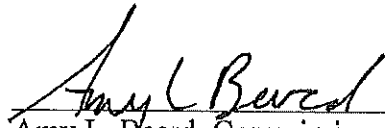
5. Indiana Code § 27-1-15.6-12(b)(6) provides, in part, that the Commissioner may refuse to issue an insurance producer's license for having been convicted of a felony.
6. Indiana Code § 27-1-15.6-12(b)(2)(A), provides, in part, that the Commissioner may refuse to issue an insurance producer's license for violating an insurance law.
7. Indiana Code § 27-1-15.6-17(b), is an insurance law that states not more than thirty (30) days after an initial pretrial hearing date, a producer shall report to the Commissioner any criminal prosecution of the producer initiated in any jurisdiction.
8. 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 Codes §§ 27-1-15.6-12(b)(6), 27-1-15.6-12(b)(2)(A), and 27-1-15.6-12(b)(1), due to his December 3, 2014 conviction of Resisting Law Enforcement/Use of Vehicle to Commit Offense, a Class D Felony, his failure to timely report it to the Department while he was previously licensed, and for his failure to disclose it on his application.
9. 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.



10. 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), 27-1-15.6-12(b)(2)(A), and 27-1-15.6-12(b)(1) due to Applicant's felony conviction, and for his failure to timely report and disclose the same to the Department. Applicant may reapply for licensure not less than one (1) year from the date of this order.

6/1/22  
Date Signed

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

Distribution to:

Steven D. Goodman  
15 W. Pine St.  
Knightstown, IN 46148

Victoria Hastings, Attorney  
ATTN: Calla Dain, Investigator  
Indiana Department of Insurance  
311 W. Washington St., Suite 103  
Indianapolis, IN 46204  
317 234-8687, fax 317 234-2103

STATE OF INDIANA       )  
                                  ) SS:  
COUNTY OF MARION     )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 21488-AD22-0502-053

IN THE MATTER OF:       )

Steven D. Goodman       )  
15 W. Pine St.           )  
Knightstown, IN 46148   )

Applicant.               )

Type of Agency Action: Enforcement   )

License Application #: 965510         )

FILED

JUN 01 2022

STATE OF INDIANA  
DEPT. OF INSURANCE

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**AND NOTICE OF LICENSE DENIAL**

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6/1/22  
Date Signed

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

Distribution to:

Steven D. Goodman  
15 W. Pine St.  
Knightstown, IN 46148

Victoria Hastings, Attorney  
ATTN: Calla Dain, Investigator  
Indiana Department of Insurance  
311 W. Washington St., Suite 103  
Indianapolis, IN 46204  
317 234-8687, fax 317 234-2103