

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

IN THE MATTER OF: )  
 )  
 )  
Kira Walton )  
 )  
Respondent )  
 )  
Type of Agency Action:Enforcement )  
 )

**FILED**  
**JAN 16 2024**  
STATE OF INDIANA  
DEPT. OF INSURANCE

CAUSE NO.: DOI-2305-001458  
22032-AG23-0216-036

**FINAL ORDER**

On October 30, 2023, the Administrative Law Judge, Carrie Ingram, filed her Non-Final Administrative Decision Order in the above-captioned matter.

1. The Department served Non-Final Administrative Decision Order and Notice of Filing Non-Final Order on Respondent by U.S. Postal Mail to her mailing 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 Non-Final Administrative Decision Order and more than eighteen (18) days have elapsed.

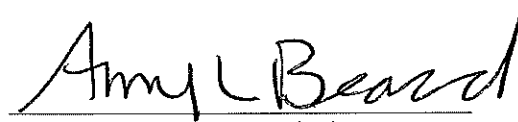
Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge’s Non-Final Administrative Decision Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Respondent’s Resident Producer License #3487569 is Permanently REVOKED.

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 16 day of January, 2024.



Amy L. Beard, Commissioner  
Indiana Department of Insurance

Copies to:

Kira Walton  
14605 Shower Ct.  
Carmel, IN 46032

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



ISSUED:  
October 30,  
2023

STATE OF INDIANA  
OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

Department of Insurance,  
Petitioner,

v.

Kira Walton,  
Respondent.

Administrative Case Number: DOI-2305-001458

Ultimate Authority: Commission of the Department of Insurance

### NON-FINAL ADMINISTRATIVE DECISION

The Administrative Law Judge (ALJ) Carrie Ingram, having heard the evidence and arguments presented in this matter, now issues this Non-Final Order addressing the Statement of Charges filed by the Department of Insurance (DOI) seeking to permanently revoke Respondent's resident insurance producer license #3487569. This decision is favorable to the Petitioner. 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 in this case is: whether Respondent's resident insurance producer license should be permanently revoked.

#### Procedural History

1. On May 25, 2023, the Petitioner filed a Statement of Charges with OALP which requested that Respondent's resident insurance producer license be permanently revoked.
2. An evidentiary hearing was held on this matter on August 1, 2023, at 9:00 AM via telephonic conference. At the evidentiary hearing, the Respondent Kira Walton appeared

telephonically, and without counsel. DOI appeared telephonically by Counsel Samantha Aldridge, and Investigator Tina Harris.

3. The following Exhibits were offered by the Parties and admitted at the Administrative Hearing by the ALJ:
  - a. Petitioner's Exhibit 1, UnitedHealthcare Notice of Termination (1 page).
  - b. Petitioner's Exhibit 2, UnitedHealthcare Investigation Summary (5 pages).
  - c. Petitioner's Exhibit 3, Pre-Enrollment Transfer Expectations (2 pages).
  - d. Petitioner's Exhibit 4, UnitedHealthcare Call Recordings and Call Summaries from the Investigator's Report (5 pages).
  - e. Petitioner's Exhibit 5, Louisiana Department of Insurance Notice of Revocation (5 pages).
  - f. Respondent's Exhibit A, Letter from Austin Koo (3 pages).
  - g. Respondent's Exhibit B, Letter to Michael Gaver from Tonya Gachett (2 pages).
  - h. Respondent's Exhibit C, Letter to Kimberly from Tonya Gachett (1 pages).
4. John Kaufman, Tina Harris, and Kira Walton testified at the evidentiary hearing.

#### **Findings of Fact**

1. Respondent holds a resident insurance producer license in the State of Indiana. See testimony of Harris.
2. Respondent worked for UnitedHealthcare from September 2019 to February 15, 2022, as a market options advisor. In her position, Respondent spoke to numerous customers and clients to help them enroll in private health insurance. See testimony of Respondent.
3. In or around December 2021, a consumer called into UnitedHealthcare about a tax credit. Respondent was assigned to the phone call, spoke to the consumer about a plan, and quoted the plan at \$424. The consumer responded by saying, "Never mind thank you" and ended the call. Respondent then submitted an application to enroll the consumer in the plan. See Exhibit 2 and testimony of Kaufman.
4. In or around December 2021, Respondent took a phone call from a client who was calling to make a premium payment. Respondent discussed the client's Medicaid status and told the client she could qualify for a different plan. The client told Respondent that she wanted to talk to her husband about the plan but was not interested at that time. Despite that, Respondent submitted an application to enroll the client in the different plan. See Exhibit 4 and testimony of Kaufman.

5. In or around December 2021, Respondent took a phone call from a client who had already self-enrolled in a plan on healthcare.gov but had a question. Respondent asked the client pre-enrollment questions, but the client indicated that she wished to complete the enrollment online. Respondent credited herself with completing the enrollment and put her name on the enrollment as the agent of record. See Exhibit 4 and testimony of Kaufman.
6. In or around December 2021, Respondent took a phone call from a person who was calling on behalf of his wife to make a premium payment. Respondent asked the person pre-enrollment questions. The person did not agree to enroll his wife in a different plan, but Respondent enrolled the spouse in a plan on or about December 8, 2021. See Exhibit 4 and testimony of Kaufman.
7. In or around December 2021, a person called UnitedHealthcare because she was having trouble making a payment on healthcare.gov for a plan for her husband. Respondent took the phone call, gathered information, and told the person that the matter was resolved. The person never agreed to enroll in a plan, but an enrollment application was entered by Respondent on or about December 8, 2021. See Exhibit 4 and testimony of Kaufman.
8. In February 2022, UnitedHealthcare conducted an audit of Respondent's phone calls and discovered the abovementioned incidents. Respondent was terminated from UnitedHealthcare on or around February 15, 2022, for enrolling individuals without their knowledge or consent and for listing herself as the agent of record for enrollments that she did not facilitate. See testimony of Kaufman and Exhibits 1 and 2.
9. On October 13, 2022, the Louisiana Department of Insurance issued a Notice of Revocation for Respondent's insurance producer license. The revocation became effective on October 23, 2022. See Exhibit 5.
10. By November 22, 2022, Respondent had not notified DOI of the administrative action taken by the Louisiana Department of Insurance. DOI discovered Respondent's revocation after it was uploaded into the National Insurance Producer Registry on December 22, 2022.
11. In December 2022, DOI Investigator Tina Harris spoke to an employee of the Louisiana Department of Insurance. At that time, Respondent had not requested an administrative appeal of the Notice of Revocation
12. Respondent did not initially receive the Louisiana Notice of Revocation. As soon as Respondent found out about the Notice of Revocation, she requested an appeal and notified DOI. Respondent did not appear for the hearing and her request was ultimately dismissed. See testimony of Respondent.

### **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. DOI has the burden of proof, by a preponderance of the evidence. Ind. Code § 4-21.5-3-14(c).
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. The Commissioner may permanently revoke an insurance producer’s license for “[u]sing fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.” Ind. Code § 27-1-15.6-12(b)(8).
7. In the month of December 2021, Respondent had five different incidents in which she either enrolled people in insurance plans without their consent or listed herself as the agent who enrolled the client despite not being the person who facilitated the enrollment. These are dishonest practices and demonstrate untrustworthiness in the conduct of business in Indiana. As a result, the Commissioner may permanently revoke Respondent’s resident insurance producer license.
8. Respondent’s license was revoked in Louisiana, effective October 23, 2022. The Commissioner may permanently revoke an insurance producer’s license for “[h]aving an insurance producer license...revoked in any other state.” Ind. Code § 27-1-15.6-12(b)(9). Therefore, the Commissioner may permanently revoke the Respondent’s resident insurance producer license.
9. Licensed insurance producers are required to report to DOI any administrative action taken against that producer not more than thirty days after the final disposition. Ind. Code § 27-1-

15.6-17. If the producer fails to report the administrative action, the Commissioner may permanently that producer's license. Ind. Code § 27-1-15.6-12(b)(2)(A). Respondent did not notify DOI of the administrative action taken against her in Louisiana within thirty days of the final disposition. Thus, the Commissioner may permanently revoke the Respondent's resident insurance producer license.

### Decision and Order

In consideration of the foregoing, Findings of Fact and the Conclusions of Law as stated, the ALJ now recommends that the Commissioner permanently revoke Respondent's resident insurance producer license number #3487569.

So ordered on: October 30, 2023.



Administrative Law Judge  
Carrie T. 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, DOI, sent via e-mail at [saldridge@idoi.in.gov](mailto:saldridge@idoi.in.gov)

Respondent, Kira Walton, sent via US mail at 14605 Shower Ct., Carmel, IN 46032

Ultimate Authority, Commissioner of DOI, 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

CAUSE NO.: 22032-AG23-0216-036

IN THE MATTER OF: )  
 )  
Kira Lee Walton )  
14605 Shower Ct. )  
Carmel, IN 46032 )  
 )  
Respondent. )  
 )  
License Number: 3487569 )  
 )  
Type of Agency Action: Enforcement )



Filed May 25, 2023

**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 Kira Lee Walton (“Respondent”), as follows:

**FACTS**

1. Kira Lee Walton (“Respondent”) is a resident insurance producer, holding license #3487569 since October 17, 2019.
2. Respondent’s license is due for renewal on September 30, 2024.
3. Respondent was a Market Options Advisor for United Healthcare Insurance Company and was terminated for cause on or around March 15, 2022.
4. United Healthcare Insurance Company (“United Healthcare”) alleges Respondent was responsible for enrolling individuals without their knowledge or consent and listing herself as agent of record for enrollments that she did not facilitate.



5. United Healthcare's investigation identified thirteen (13) calls where a member called in to make a premium payment or a similar issue and Respondent added her name as the servicing agent on the accounts.
6. United Healthcare's investigation identified several inappropriate applications that were submitted by Respondent without the customer's knowledge or consent.
7. A sample of five (5) calls were reviewed between consumers and Respondent. One client declined to start coverage once she learned the premium amount from Respondent. The other four (4) call recordings contain consumers with questions regarding premium payments or similar issues. During each call, Respondent asked questions such as date of birth, height and weight, and tobacco use without having relevant reason to ask these questions. Despite none of the clients agreeing to enroll on any of the five (5) calls, Respondent submitted or converted their enrollments using her name as the agent of record on all five (5) calls.
8. Respondent's nonresident producer license was revoked in the state of Louisiana on October 24, 2022, for demonstrating lack of fitness and forgery due to her cause of termination. Respondent did not report this action to the Department until December 22, 2022.

### CHARGES

#### COUNT I

9. Averments 1 through 7 are incorporated fully as if set forth herein.
10. Respondent's conduct, as alleged herein, constitutes using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial

irresponsibility in the conduct of business in Indiana or elsewhere and is cause for disciplinary action in accordance with Indiana Code § 27-1-15.6-12(b)(8) to include sanctions, fine, restitution and revocation of license.

### COUNT II

11. Averments 1 through 7 are incorporated fully as if set forth herein.
12. Respondent's conduct, as alleged herein, constitutes having an insurance producer license, or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory and is cause for disciplinary action in accordance with Indiana Code § 27-1-15.6-12(b)(9) to include sanctions, fine, restitution and revocation of license.

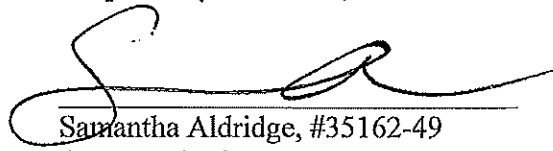
### COUNT III

13. Averments 1 through 7 are incorporated fully as if set forth herein.
14. Indiana Code § 27-1-15.6-12(b)(2)(A), authorizes the Commissioner may revoke insurance producer's license for violating an insurance law.
15. Respondent's conduct, as alleged herein, constitutes not reporting to the Commissioner any administrative action taken against the producer in another jurisdiction or by another governmental agency in Indiana not more than thirty (30) days after the final disposition of the matter and is cause for disciplinary action in accordance with Indiana Code § 27-1-15.6-17(a) to include sanctions, fine, restitution and revocation of license by another governmental agency in Indiana not more than thirty (30) days after the final disposition of the matter.

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.:

1. Issue an order permanently revoking Respondent's resident insurance producer license #3487569; and
2. Grant all other relief necessary and proper in the premises.

Respectfully submitted,



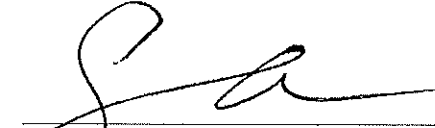
Samantha Aldridge, #35162-49  
Attorney, Enforcement Division

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) 233-0129  
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 18 day of May, 2023.

Kira Lee Walton  
14605 Shower Ct.  
Carmel, IN 46032

  
Samantha Aldridge #35162-49  
Attorney, Enforcement Division