

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

IN THE MATTER OF: )  
 )  
 )  
Julia Scott )  
 )  
Petitioner )  
 )  
Type of Agency Action:Enforcement )  
 )

CAUSE NO.: DOI-2308-002087  
22406-AD23-0505-045

**FILED**  
**MAR 07 2024**  
STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

On January 11, 2024, the Administrative Law Judge, Beth A. Butsch, 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 Petitioner 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.

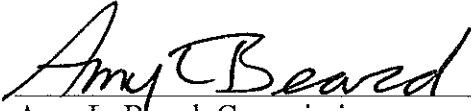
Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge’s Non-Final Administrative Decision Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Denial of Petitioner’s resident producer’s license application #1049731 is UPHELD.

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 7 day of March, 2024.

  
Amy L. Beard, Commissioner  
Indiana Department of Insurance

Copies to:

Julia Scott  
517 King Arthur Drive  
Franklin, IN 46131

Samantha Aldridge, Attorney  
Indiana Department of Insurance  
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[saldrige@idoi.in.gov](mailto:saldrige@idoi.in.gov)



ISSUED:  
January 11,  
2024

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

**Julia Scott,**  
Petitioner,

v.

**Indiana Department of Insurance,**  
Respondent.

Administrative Case Number: DOI-2308-002087

**Ultimate Authority: Indiana Department of Insurance**

**NON-FINAL ADMINISTRATIVE DECISION**

The Administrative Law Judge (ALJ) Beth A. Butsch, having heard the evidence and arguments presented in this matter, now issues this Non-Final Order addressing the decision by the Indiana Department of Insurance (DOI) to deny Petitioner’s resident producer license. This decision is favorable to Respondent. 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 the decision of the DOI to deny Petitioner’s resident producer’s license was reasonable.

## Procedural History

1. On August 7, 2023, the DOI received Petitioner's request for appeal of the denial of her resident producer's license. The request for appeal was forwarded to the OALP on the same date.

2. On August 8, 2023, OALP issued its Notice of Assignment of ALJ and Order Setting Evidentiary Hearing to the parties.

3. Petitioner did not appear at the evidentiary hearing on August 31, 2023, after being served with notice. The DOI appeared by counsel, Samantha Aldridge. Counsel for DOI requested a default order, which the ALJ took under advisement.

4. On August 31, 2023, a Notice of Proposed Dismissal was issued, giving Petitioner seven (7) days to file a motion requesting the case remain open.

5. On September 12, 2023, the ALJ issued a Non-Final Order of Dismissal against Petitioner due to her failure to appear at the evidentiary hearing and failure to respond to the Notice of Proposed Dismissal.

6. On October 4, 2023, the Commissioner of the DOI issued an Order of Remand, directing the ALJ to hold an evidentiary hearing on the reasonableness of the DOI's denial of Petitioner's resident producer license.

7. This matter was scheduled for evidentiary hearing on November 9, 2023, on the Zoom.gov platform. Petitioner appeared at the hearing, self-represented. The Respondent DOI appeared by counsel, Samantha Aldridge. Court reporter Deshon Smith also appeared. Evidence was heard and the hearing was concluded on that date.

8. The following Exhibits were offered by the Parties and admitted at the Administrative Hearing by the ALJ:

- a. Respondent's Exhibit A, copy of application presented to the National Insurance Producer Registry on April 10, 2023, by Petitioner (2 Pages), admitted without objection.
- b. Respondent's Exhibit B, South Dakota Division of Insurance Proposed and Final Decisions revoking Petitioner's non-resident license dated May 7, 2010, (5 Pages), admitted without objection.

- c. Respondent's Exhibit C, State of New York Insurance Department Stipulation No. 2010-0351-S between Petitioner and General Counsel of the New York State Insurance Department dated December 17, 2010, (3 pages), admitted without objection.
  - d. Respondent's Exhibit D, State of Wisconsin Commissioner of Insurance denial of license notification to Petitioner dated July 3, 2009, (1 page), admitted without objection.
  - e. Respondent's Exhibit E, State of Missouri Department of Insurance Voluntary Forfeiture in lieu of revocation between Petitioner and Director of Missouri Department of Insurance dated April 22, 2011, (4 pages), admitted without objection.
  - f. Exhibit F was not offered into evidence by Respondent.
9. Petitioner did not offer any exhibits.
10. The following people testified at the administrative hearing:
- a. Petitioner
  - b. Hana Biele, Dept. of Insurance investigator, hereinafter Investigator Biele

#### **Findings of Fact**

1. Petitioner was formerly licensed in the State of Indiana as a resident producer from August 19, 2004, until November 2016, at which time Petitioner did not renew her license. Petitioner was licensed in forty-six (46) states. See testimony of Investigator Biele and Petitioner.
2. On July 3, 2009, Petitioner was notified of the denial of her application for licensure as an insurance agent in Wisconsin. The denial was due to Petitioner answering "yes" to a question regarding having a delinquent tax obligation and failing to respond to written requests for follow up information from the Wisconsin Commissioner of Insurance. See Respondent's Exhibit D.
3. At the time Petitioner applied for licensure in Wisconsin, she was involved in a divorce proceeding and owed a tax obligation as a joint marital debt, which she disputed in the divorce proceeding. See testimony of Petitioner.
4. On May 7, 2010, Petitioner's non-resident insurance producer license in South Dakota was revoked. The basis of the license revocation was Petitioner's failure to report the administrative action taken in Wisconsin against her license in South Dakota, and her failure to

respond to South Dakota's Division of Insurance's request for information. See Respondent's Exhibit B.

5. On December 21, 2010, Petitioner and the New York State insurance Department entered a "Stipulation" wherein Petitioner admitted to providing materially incorrect and untrue information on her application for licensure as an insurance agent in New York by failing to report the administrative action against her license in Wisconsin. Petitioner waived her right to a hearing and agreed to the imposition of a one thousand five-hundred-dollar (\$1,500.00) penalty. See Respondent's Exhibit C.

6. On April 22, 2011, Petitioner agreed to the voluntary forfeiture of her nonresident producer license with the State of Missouri and the imposition of a one thousand five hundred dollars dollar (\$1,500.00) fine due to her failure to report four administrative actions against her licenses in other jurisdictions. See Respondent's Exhibit E.

7. Petitioner submitted her application for a resident producer insurance license with the State of Indiana on April 10, 2023. See testimony of Investigator Biele and Respondent's Exhibit A.

8. In the April 10, 2023, Indiana license application, Petitioner did not disclose that she had adverse administrative actions taken against her insurance producer's licenses in South Dakota, New York, Wisconsin, and Missouri. See Respondent's Exhibit A.

9. Petitioner's testimony that she believed the issues with her insurance agent licenses in various jurisdictions were resolved when the tax obligations from her former marriage was resolved in her favor is not credible. Petitioner failed to respond to the various state agencies requests for follow up information about her tax obligation when requested, agreed to the voluntary surrender of her licenses with the imposition of monetary penalties, and waived her right to administrative hearings when she was given the opportunity to present evidence to rebut the allegations of dishonesty and delinquent taxes. See testimony of Petitioner and Respondent's Exhibits B, C, D, and E.

### **Conclusions of Law**

1. This matter is properly before the ALJ pursuant to Indiana Code §4-21.5.

2. As Petitioner seeks administrative review of the DOI's denial of her resident insurance producer's license, Petitioner bears the burden of proof and must prove the DOI's denial of her license was improper or unreasonable based upon evidence that is substantial and reliable. See IC §4-21.5-3-14 and IC §4-21.5-3-27(d).

3. The standard of review at an Administrative Hearing is *de novo*. *Indiana Dept. of Natural Resources v. United Refuse Co., Inc.*, 615 N.E.2d 100, 104 (1993). The ALJ is not permitted to defer to the agency's initial determination and merely determine whether the agency's action was reasonable. *Id.* The ALJ is required to hold a hearing, weigh evidence presented at the hearing, and make findings of fact based upon the evidence presented at the hearing. *Id.* and see IC 4-21.5-3-14(d).

4. The Commissioner of DOI (Commissioner) may refuse to issue an insurance producer license if the applicant provides incorrect, misleading, incomplete, or materially untrue information in a license application. See IC §27-1-15.6-12(b)(1).

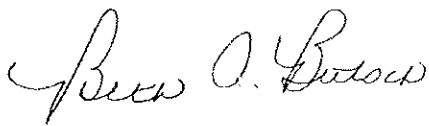
5. The Commissioner may refuse to issue an insurance producer license if the applicant has an insurance producer license or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory. See IC § 27-1-15.6-12(b)(9).

6. Based upon the evidence admitted at the administrative hearing, Petitioner does not meet the requirements for licensure as cited above, due to her failure to disclose adverse administrative actions taken against her insurance licenses by the states of South Dakota, New York, Wisconsin and Missouri, and the denial of her resident producer's license in Indiana by the Commissioner was reasonable.

#### Non-final Decision and Order

In consideration of the foregoing Findings of Fact and Conclusions of Law, the undersigned ALJ now recommends that the preliminary order denying the Petitioner's resident producer's license be upheld and approved.

So ordered on: January 11, 2024



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Hon. Beth A. Butsch  
Administrative Law Judge

#### 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, Julia Scott, sent via US mail at 517 King Arthur Drive, Franklin, 46131

Respondent, Department of Insurance by counsel, Samantha Aldridge, sent via e-mail at [saldridge@idoi.in.gov](mailto:saldridge@idoi.in.gov)

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

Deshon Smith, Court reporter, served via email at [desmith2211@gmail.com](mailto:desmith2211@gmail.com)





FILED: September 12,  
2023

STATE OF INDIANA  
OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

Administrative Cause No.: DOI-2308-002087  
Underlying/State Agency Action No.: 22406-AD23-0505-045

FINAL AGENCY AUTHORITY: Commissioner of the Department of  
Insurance

**Julia Scott**  
Petitioner,

v.  
**Indiana Department of Insurance**  
Respondent.

**NON-FINAL ORDER OF DISMISSAL**

The Administrative Law Judge, acting on behalf of the Indiana Office of Administrative Law Proceedings (OALP), now enters a non-final order of dismissal against the Petitioner, Julia Scott, pursuant to IC 4-21.5-3-24. Petitioner failed to appear for the evidentiary hearing in this matter on August 31, 2023, and failed to respond to the Notice of Proposed Dismissal issued that same date.

SO ORDERED:

**Beth A. Butsch, Administrative Law Judge**  
**Office of Administrative Law Proceedings**

**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 then issue a final order to all parties.**

To preserve an objection to this order for judicial review, you must object to the order in a writing that: 1) identifies the basis for your 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. IC 4-21.5-3-29.

Any questions regarding this matter should now be directed to Dawn Bopp at [dbopp@idoi.in.gov](mailto:dbopp@idoi.in.gov).

Distribution:

Indiana Department of Insurance, Respondent, served by Counsel Samantha Aldridge by E-Mail at [saldrige@idoi.in.gov](mailto:saldrige@idoi.in.gov),  
Petitioner, served by \_\_\_\_\_ at \_\_\_\_\_

Additional Distribution to Non-Party:

Dawn Bopp—Administrator for the Indiana Department of insurance served by E-Mail at [DBopp@idoi.in.gov](mailto:DBopp@idoi.in.gov)

Deshon Smith—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.: 22406-AD23-0505-045

IN THE MATTER OF: )  
 )  
Julia Elizabeth Scott )  
517 King Arthur Drive )  
Franklin, IN 46131 )  
 )  
Applicant. )  
 )  
Type of Agency Action: Enforcement )  
 )  
License Application #: 1049731 )

**FILED**

JUN 29 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 Julia Elizabeth Scott (“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 April 10, 2023.
2. Applicant was previously licensed as a resident producer from August 19, 2004 to November 16, 2016, at which time Applicant failed to renew it.
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) states, in part, that the Commissioner may refuse to issue an insurance producer license for providing incorrect, misleading, incomplete, or materially untrue information in a license application.

5. Indiana Code § 27-1-15.6-12(b)(9) states, in part, that the Commissioner may refuse to issue an insurance producer license for having an insurance producer license, or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory.
6. Following a review of public records and the materials submitted by the Applicant, the Commissioner, being fully advised, now hereby notifies Applicant that she has not fully met the requirements of licensure, as stated by Indiana Codes §§ 27-1-15.6-12(b)(1) and 27-1-15.6-12(b)(9) due to Applicant's failure to disclose the following administrative actions on her application for licensure:
  - a. A March 24, 2010, license revocation from the State of South Dakota due to Applicant's failure to report an administrative action;
  - b. A December 21, 2010, administrative order with a monetary penalty from the State of New York for failing to make a required disclosure on license application;
  - c. A December 14, 2010, license denial in the State of Wisconsin for failing to make a required disclosure on license application; and
  - d. An April 26, 2011, administrative order with monetary penalty in the State of Missouri for failing to make a required disclosure on license application.
7. 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.

8. 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)(1) and 27-1-15.6-12(b)(9) due to Applicant’s failure to disclose four administrative actions, including a license revocation and denial, on her application for licensure. Applicant may reapply for licensure not less than one (1) year from the date of this order.

6-29-2023

Date Signed



Amy L. Beard, Commissioner  
Indiana Department of Insurance

Distribution:

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Victoria Hastings, Attorney  
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