STATE OF INDIANA)	BEFORE THE INDIANA
) SS:	COMMISSIONER OF INSURANCE
COUNTY OF MARION)	
		DOI CAUSE NO: 22622-AD23-0816-037
	ADMII	NISTRATIVE CAUSE NO.: DOI-2309-002551
IN THE MATTER OF:)
)
Kristina Chamis)
17111 Olcott Ave.)
Tinley Park, IL 60477)
) ' Call Par
Petitioner.		filed Filed
) JAN 2 9 2024
License Application #: 1053651)
) STATE OF INDIANA
Type of Agency Action: Enforcement		t) DEPT. OF INSURANCE

FINAL ORDER

On December 1, 2023, the Administrative Law Judge, Gary Ricks, issued his Findings of Fact, Conclusions of Law, and Nonfinal Order, which operates as the recommended order under Indiana Code § 4-21.5-3-27 in the above-captioned matter (the "Recommended Order").

- 1. The Department served the Recommended Order on Petitioner by mailing the same to her counsel of record.
- 2. The Department has complied with the notice requirements of Ind. Code § 4-21.5-3-17.
- 3. Counsel for the Department timely filed an objection with the Commissioner regarding the Recommended Order on December 15, 2023.
- 4. 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 issues the following Findings of Fact, Conclusions of Law and Final Order:

FINDINGS OF FACT

- 1. Paragraphs 1, 2, and 4 set forth in the Findings of Fact section of the Recommended Order are adopted in full and incorporated herein.
- 2. Paragraph 3 set forth in the Findings of Fact section of the Recommended Order is modified as follows: "Petitioner asserted in her testimony that her license has been reinstated in Vermont and Illinois and that she is seeking reinstatement in the other states wherein her license is suspended or revoked."
- 3. Conclusions of Law that can be adopted as Findings of Fact are hereby incorporated herein as such.

CONCLUSIONS OF LAW

- 1. Paragraphs 1, 2, 3, 4, 5, 6, 8, and 10 set forth in the Conclusions of Law section of the Recommended Order are adopted in full and incorporated herein.
- 2. Paragraph 7 set forth in the Conclusions of Law section of the Recommended Order is stricken in its entirety.
- 3. Paragraph 9 set forth in the Conclusions of Law section of the Recommended Order is modified as follows: "According to testimony offered at the evidentiary hearing as well as documentary evidence, Petitioner's producer license has previously been suspended in two other states and is currently revoked in four states other than Indiana. As such, the Indiana Commissioner of Insurance was justified in denying Petitioner's application for licensure as a nonresident insurance producer in the State of Indiana."
- 4. Findings of Fact that can be adopted as Conclusions of Law are hereby incorporated herein as such.

FINAL ORDER

IT IS THEREFORE ORDERED by the Commissioner of Insurance that the denial of Petitioner's application for a nonresident producer license under license application number 1053651 is **AFFIRMED**.

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 _____ day of January 2024.

Amy L. Beard, Commissioner Indiana Department of Insurance

Copies to:

Kristina Chamis Petitioner Kristina.chamis@embroker.com

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

Joeseph Bossinger Counsel for Respondent, Indiana Department of Insurance jbossinger@idoi.in.gov

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



STATE OF INDIANA OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

Kristina Chamis,	Administrative Case No.: DOI-2309-002551
Petitioner	
V	
Department of Insurance,	
Respondent	

Ultimate Authority: Commissioner of the Department of Insurance

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND NONFINAL ORDER

An evidentiary hearing was held on this matter on October 13, 2023, at 2:00 P.M. via telephonic conference. Administrative Law Judge (ALJ) Gary Ricks presided over the hearing. At the evidentiary hearing, Petitioner appeared telephonically, and without counsel. The Department of Insurance (DOI) appeared telephonically by Counsel Samantha Aldridge, and Investigator Sara Tolliver.

Petitioner and Ms. Tolliver were sworn in and testified at the evidentiary hearing. Petitioner had no proposed exhibits. Respondent offered exhibits A through F for admission at the evidentiary hearing. The following exhibits were offered for admission as evidence at the evidentiary hearing by Respondent:

- 1. Respondent's Exhibit A, captioned: "Order of Suspension from the State of Illinois Department of Insurance In the Matter of the Suspension of Licensing Authority of Kristina Chamis." Respondent's Exhibit A was admitted without objection.
- 2. Respondent's Exhibit B, captioned: "State of Washington Office of the Insurance Commissioner *In the Matter of* Kristina Chamis." Respondent's Exhibit B was admitted without objection.
- 3. Respondent's Exhibit C, captioned: "The Insurance Department of the State of Delaware, In the Matter of Kristina N. Chamlis." Respondent's Exhibit C was admitted without objection.
- 4. Respondent's Exhibit D, captioned: "State of Vermont Department of Financial Regulation, In Re: Kristina Chamis VT license #3305908." Respondent's Exhibit D was admitted without objection.

- 5. Respondent's Exhibit E, captioned: "State of California Department of Insurance, in the matter of License and Licensing Rights of: Kristina Chamlis, Order of Summary Revocation." Respondent's Exhibit E was admitted without objection.
- . Based upon the evidence presented at said hearing, ALJ Gary Ricks now makes and issues the following Findings of Fact, Conclusions of Law, and Nonfinal Order.

FINDINGS OF FACT1

- 1. On or about April 25, 2023, Petitioner applied for a non-resident producer license with the Commissioner of the Indiana Department of Insurance (hereinafter "Commissioner").
- 2. Following a review of public records and the documentation submitted by Applicant in support of her application, the Commissioner denied Petitioner's application for licensure, asserting that Petitioner did not meet the requirements of licensure as stated in Indiana Code (IC) § 27-1-15.6-12(b)(9) due to having the following administrative actions taken against her:
 - a. June 7, 2021 suspension issued by the Illinois Department of Insurance.
 - b. September 3, 2021 revocation issued by the Washington State Office of the Insurance Commissioner.
 - c. October 21, 2021 revocation issued by the Mississippi Insurance Department.
 - d. November 5, 2021 revocation issued by the Delaware Department of Insurance.
 - e. November 8, 2021 suspension issued by the Vermont Department of Insurance.
 - f. June 8, 2022 revocation issued by the California department of Insurance.
- 3. Petitioner asserted in her testimony that her license has been reinstated in Vermont and that she is seeking reinstatement in the other states wherein her license is suspended or revoked. (Pet. Test.)
- 4. Petitioner testified that these state suspensions were largely due to errors committed by her former employers as well as unintentional errors on her part. (Pet. Test.)

CONCLUSIONS OF LAW²

1. DOI is responsible for licensing insurance producers who practice in the State of Indiana. Ind. Code § 27-1-15.6

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

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

- 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 were reasonable.
- 7. IC 27-2-15-6-8(g) provides:

"If a nonresident producer fails to maintain proper licensure in good standing in the nonresident producer's home state, the commissioner may:

- (1) In the commissioner's sole discretion;
- (2) without a hearing; and
- (3) in addition to any other sanctions allowed by law, suspend any Indiana insurance producer license held by nonresident producer until the commissioner receives notice from the nonresident producer's home that that the home state license is in effect.

8. IC 27-1-15.6-12(b) provides:

"The commissioner may 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, for the following causes:

- (9) Having an insurance producer license or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory."
- 9. According to testimony offered at the evidentiary hearing as well as documentary evidence, Petitioner's producer's license is currently suspended in five states. As such, the Indiana Commissioner of Insurance was justified in denying Petitioner's application for licensure as a nonresident producer in the State of Indiana.
- 10. Petitioner has not met her burden of proving that the Commissioner's decision not to issue her a license was unreasonable.

NONFINAL ORDER

In consideration of the foregoing, Findings of Fact and the Conclusions of Law as stated, the ALJ now recommends that the Commissioner AFFIRM his decision to deny Petitioner's application for a nonresident producer license.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner of the Department of Insurance on December 1, 2023. This order is not final. This matter is now before the ultimate authority, the Commissioner of the Department of Insurance who has the final authority over this matter and shall review this Nonfinal Order and issue a final order to all parties.

To preserve an objection to this order for judicial review, the Parties must object to the order in writing that: 1) Identifies the basis for the objection with reasonable particularity; and 2) Is filed with the ultimate authority, the Commissioner of the Department of Insurance, within fifteen (15) days from the date of this Order. Indiana Code 4-21.5-3-29. For provisions on how to compute days see Ind. Code § 4-21.5-3-2.

Any questions regarding this matter may now be directed to Dawn Bopp at dbopp@idoi.in.gov.

So Ordered: December 1, 2023.

/s/ Gary Ricks

Gary Ricks Administrative Law Judge Indiana Office of Administrative Law Proceedings

Distribution:

Petitioner: Kristina Chamis, served by US Mail at 17111 Olcott Avenue, Tinley Park, IL 60477

OALP Case No.: DOI-2212-002513

Respondent: Department of Insurance served by email to Attorney Samantha Aldridge at saldridge@idoi.in.gov
Ultimate Authority: Commissioner of the Department of Insurance served by email at DBopp@idoi.in.gov



STATE OF INDIANA OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

Kristina Chamis Petitioner	Administrative Case No.: DOI-2309-002551
v.	
Indiana Department of Insurance Respondent	

Ultimate Authority: Indiana Department of Insurance

NOTICE OF ASSIGNMENT OF ADMINISTRATIVE LAW JUDGE AND ORDER SETTING EVIDENTIARY HEARING

On September 28, 2023, the Petitioner requested Administrative Review of the Indiana Department of Insurance's (DOI) decision to deny Petitioner's nonresident producer license Pursuant to Indiana Code §§ 4-15-10.5-12 and 4-15-10.5-13, OALP has jurisdiction over this matter and may assign an Administrative Law Judge (ALJ) to preside over it. Accordingly, the Director of the Office of Administrative Law Proceedings (OALP) has assigned the Hon. Gary Ricks, as the ALJ to preside over this matter.

Evidentiary Hearing

This matter is scheduled for a telephonic Evidentiary Hearing using the Zoom platform, as follows:

DATE: October 13, 2023

TIME: 2:00 P.M. Eastern Time

TELEPHONE NUMBER: (833) 568-8864; MEETING ID: 161 2684 8825

To participate in the hearing, the parties will need to dial the telephone number listed above and enter the meeting ID when prompted. If you have any trouble connecting, please contact OALP at (317) 234-6689 or oalp@oalp.in.gov.

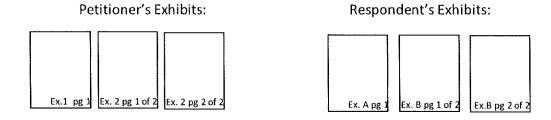
Each party is responsible for ensuring that their representatives and witnesses have the appropriate Meeting ID and have the appropriate equipment to participate in the hearing. The parties and witnesses must be prepared to present evidence regarding the issues in this case at the hearing.

Default or Dismissal

A Party who fails to attend or participate in a prehearing conference, hearing, or other later stage of the proceeding may be held in default or have a proceeding dismissed. IC 4-21.5-3-18(d)(8).

Proposed Exhibits and Witness Lists

Parties must exchange witness lists and proposed exhibits and file them with OALP on or before October 6, 2023. Proposed exhibits should be labeled in the lower right-hand corner; Petitioner should use numbers and Respondent should use letters. All pages should be numbered. Example:



Photos shall be submitted to OALP electronically and in color. Any audio or video exhibits shall be submitted electronically in a format that is compatible with Windows Media Player.

Burden of Proof

The burden of proof is on the Petitioner to show that the Commissioner's decision to deny the Petitioner's nonresident producer license was unreasonable.

Statutory Authority

The hearing will be held in accordance with the procedures in Indiana Code Article 4-21.5 and Indiana Code Chapter 27-1-15.6.

Representation

The name and contact information for the attorney for DOI is: Samantha Aldridge, Attorney, 311 West Washington Street, Suite 103, Indianapolis, IN 46204, 317-233-0129, saldridge@idoi.in.gov. The Petitioner has the right to be represented by counsel paid at their own expense. If legal counsel is appearing on behalf of a party, an appearance should be filed

with OALP. An unrepresented party will be held to the same burden of proof and legal standards as a represented party.

Ex parte contact

Direct or indirect communication with an ALI regarding any issue in this case without notice and opportunity for all Parties to participate in the communication is forbidden by law.

Prehearing Conference

Should either party wish to have a prehearing conference prior to the evidentiary hearing, then the party may submit a motion requesting a prehearing conference. Upon receipt of motion for a pre-hearing conference, the ALJ shall schedule a prehearing 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.

Filing Information

Outlined below is information concerning how parties may file documents with the ALI and contact the OALP while this case is pending. *Incorrectly addressed filings may not be processed correctly, resulting in the failure to file*.

- This case's administrative cause number is listed at the top of this Notice. Parties should include the administrative cause number on all documents they file.
- File documents electronically at OALP@oalp.IN.gov; or By U.S. Mail to:

Office of Administrative Law Proceedings Attn: [insert the administrative case number here] 100 N. Senate Avenue Suite N-802 Indianapolis, IN 46204

- A party filing documents on the ALI must serve those documents ALL parties to the case as well as the ALI.
- A party should redact any confidential information prior to filing it with OALP.
- Any exhibits that are filed with OALP prior a hearing will be considered "Proposed" exhibits only and should be marked accordingly.
- A party with valid email addresses on file 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. Attorney email addresses sync with the Indiana Roll of Attorneys. Attorneys must update their "E-notification and E-service" email address. A pro se or representative who provides OALP with only a mailing address will receive service though U.S. Postal Mail.
- Questions concerning scheduling and filings/motions may be directed to OALP support staff at: OALP@oalp.IN.gov or by calling 317-234-6689.

Template motions and other resources are available on the OALP's website:
 https://www.in.gov/oalp/oalp-resources/. Please note that OALP staff and ALIs cannot provide any party with legal advice.

So Ordered: September 29, 2023.

/s/ Gary Ricks

Gary Ricks Administrative Law Judge Indiana Office of Administrative Law Proceedings

Distribution:

Petitioner: Kristina Chamis, served by US Mail at 17111 Olcott Ave., Tinley Park, IL 60477. Respondent: Samantha Aldridge, served by email at saldridge@idoi.in.gov. Dawn Bopp – Non-Party, Administrator for the Indiana Department of Insurance served at 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

STATE OF INDIANA)	BEFORE THE INDIANA
) SS:	COMMISSIONER OF INSURANCE
COUNTY OF MARION)	
TAT DESCRIPTION OF A PART DESCRIPTION OF THE PART OF T	CAUSE NO.: 22622-AD23-0816-037
IN THE MATTER OF:	
Kristina Chamis	
17111 Olcott Ave	
,	
Tinley Park, IL 60477	FILED
Applicant.	
Appreant.	OCT 0.4 2023
Type of Agency Action: Enforcement	STATE OF INDIANA
ý	DEPT. OF INSURANCE
License Application #:1053651	

AMENDED 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 Kristina Chamis ("Applicant") of the following Administrative Order:

- 1. Applicant filed an application for a nonresident producer license with the Commissioner of the Indiana Department of Insurance ("Commissioner") on April 25, 2023.
- 2. Before approving an application, the Commissioner must find that the applicant has met specific requirements under Indiana Code § 27-1-15.6-8 and Indiana Code § 27-1-15.6-12.
- 3. Indiana Code § 27-1-15.6-12(b)(9) provides, in part, that the Commissioner may refuse to issue an insurance producers license for having an insurance producers license, or its equivalent, denied, suspended, or revoked in any other state, province, district or territory.

- 4. Following a review of public records and the materials submitted by Applicant in support of the April 23, 2023 application, the Commissioner, being fully advised, now hereby notifies Applicant that Applicant has not fully met the requirements of licensure, as stated by Indiana Code § 27-1-15.6-12(b)(9) due to having the following administrative actions:
 - a. June 7, 2021 suspension issued by the Illinois Department of Insurance
 - September 3, 2021 revocation issued by the Washington State Office of the Insurance Commissioner
 - c. October 21, 2021 revocation issued by the Mississippi Insurance Department
 - d. November 5, 2021 revocation issued by the Delaware Department of Insurance
 - e. November 8, 2021 suspension issued by the Vermont Department of Insurance
 - f. June 8, 2022 revocation issued by the California Department of Insurance
- 5. 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.
- 6. This is considered an administrative action by the Indiana Department of Insurance. If you choose to appeal this administrative action, please follow the aforementioned instructions. Subsequently, after the Department has received your written request for a hearing, the State of Indiana Office of Administrative Law Proceedings ("OALP") will assign an administrative law judge to preside over this matter, and you will receive more information from OALP to begin the administrative process.

IT IS THEREFORE ORDERED that Applicant's request for licensure is hereby DENIED pursuant to Indiana Code§ 27-1-15.6-12(b)(9) due to Applicant's license suspensions and license revocations in other states. Applicant may reapply for licensure not less than one (1) year from the date of the order original Preliminary Administrative Order and Notice of License Denial issued September 19, 2023.

10.4.2023

Date Signed

Amy L. Beard, Commissioner Indiana Department of Insurance

Distribution to:

Kristina Chamis 17111 Olcott Ave Tinley Park, IL 60477 Samantha Aldridge, Attorney ATTN: Sara Tolliver, Investigator Indiana Department of Insurance 311 W. Washington St., Suite 103 Indianapolis, IN 46204 317-232-7138, fax 317 234-2103

STATE OF INDIANA)	BEFORE THE INDIANA
) SS:	COMMISSIONER OF INSURANCE
COUNTY OF MARION)	
	CAUSE NO.: 22622-AD23-0816-037
IN THE MATTER OF:)
	,)
Kristina Chamis	
17111 Olcott Ave	j FILED
Tinley Park, IL 60477)
	SEP 1/9,2023
Applicant.) STATE OF INDIANA
) DEPT. OF INSURANCE
Type of Agency Action: Enforcement)
·)
License Application #:1053651)

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 Kristina Chamis ("Applicant") of the following Administrative Order:

- 1. Applicant filed an application for a nonresident producer license with the Commissioner of the Indiana Department of Insurance ("Commissioner") on April 25, 2023.
- 2. Before approving an application, the Commissioner must find that the applicant has met specific requirements under Indiana Code § 27-1-15.6-8 and Indiana Code § 27-1-15.6-12.
- 3. Indiana Code § 27-1-15.6-12(b)(9) provides, in part, that the Commissioner may refuse to issue an insurance producers license for having an insurance producers license, or its equivalent, denied, suspended, or revoked in any other state, province, district or territory.

- 4. Following a review of public records and the 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 Code § 27-1-15.6-12(b)(9) due to having the following administrative actions:
 - a. June 7, 2021, suspension issued by the Illinois Department of Insurance
 - b. September 3, 2021, revocation issued by the Washington State Office of the Insurance Commissioner
 - c. October 21, 2021, revocation issued by the Mississippi Insurance Department
 - d. November 5, 2021, revocation issued by the Delaware Department of Insurance
 - e. November 8, 2021, revocation issued by the Vermont Department of Insurance
 - f. May 9, 2022, revocation issued by the California Department of Insurance
- 5. 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.
- 6. This is considered an administrative action by the Indiana Department of Insurance. If you choose to appeal this administrative action, please follow the aforementioned instructions. Subsequently, after the Department has received your written request for a hearing, the State of Indiana Office of Administrative Law Proceedings ("OALP") will assign an administrative law judge to preside over this matter, and you will receive more information from OALP to begin the administrative process.

IT IS THEREFORE ORDERED that Applicant's request for licensure is hereby DENIED pursuant to Indiana Code§ 27-1-15.6-12(b)(9) due to Applicant's license suspension and five (5) license revocations. Applicant may reapply for licensure not less than one (1) year from the date of this order.

 $\frac{9 \cdot 19 \cdot 2023}{\text{Date Signed}}$

Amy L. Beard, Commissioner Indiana Department of Insurance

Distribution to:

Kristina Chamis 17111 Olcott Ave Tinley Park, IL 60477

Samantha Aldridge, Attorney ATTN: Sara Tolliver, Investigator Indiana Department of Insurance 311 W. Washington St., Suite 103 Indianapolis, IN 46204 317-232-7138, fax 317 234-2103