

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 23199-AG24-0320-041

IN THE MATTER OF:)
)
Michael Anthony Prestamer)
9610 Fran Lin Parkway)
Munster, IN 46321)
)
Respondent.)
)
Type of Agency Action: Enforcement)
)
License Number: 886245)

FILED
MAR 22 2024
STATE OF INDIANA
DEPT. OF INSURANCE

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

The Commissioner of the Indiana Department of Insurance (“Commissioner”), being duly advised, now issues the following Findings of Fact, Conclusions of Law, and Emergency Order:

FINDINGS OF FACT

1. Michael Anthony Prestamer (“Respondent”) is an Indiana resident insurance producer holding license number 886245 since June 19, 2013.
2. On or around August 3, 2023, Respondent was charged under Cause Number 45G01-2308-F5-000393 with six (6) criminal charges, which include: three (3) counts of Possession of Child Pornography with an aggravating factor, each a Level 5 Felony, and three (3) counts of Possession of Child Pornography, each a Level 6 Felony, in Lake Superior Court in Crown Point, Indiana.

3. On or about August 18, 2023, an initial pretrial hearing in the aforementioned criminal proceeding was held with Respondent in attendance.
4. Respondent failed to notify the Department not more than thirty (30) days after the initial pretrial hearing of Respondent's criminal prosecution.

CONCLUSIONS OF LAW

1. An emergency exists such that an emergency order is appropriate under Indiana Code § 4-21.5-4-1, in that Respondent's continued ability to sell, solicit, or negotiate insurance in the state of Indiana with a valid license places Respondent in a position of trust with Indiana consumers and in control of Indiana consumers' financial circumstances.
2. Indiana Code § 27-1-15.6-12(b)(8) authorizes the Commissioner to suspend an insurance producer's license for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.
3. Indiana Code § 27-1-15.6-12(b)(2)(A) authorizes the Commissioner to suspend an insurance producer's license for violating an insurance law.
4. Indiana Code § 27-1-15.6-17(b) is an insurance law that states, in part, 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.
5. This Emergency Order is issued pursuant to Indiana Code § 4-21.5-4-2(a)(1).

ORDER


With the Findings of Fact and Conclusions of Law as stated above, the Commissioner now orders:

1. Michael Anthony Prestamer's Indiana Resident Producer License number 886245 is hereby immediately suspended for ninety (90) days, renewable as necessary per Indiana Code § 4-21.5-4-5.

Under Indiana Code § 4-21.5-4-3, this Emergency Order is effective when issued.

Respondent has the right to request a hearing on this Emergency Order by filing a request for a hearing with the Department, and if requested, an evidentiary hearing will be set on the matter as soon as practicable.

3.22.2024
Dated



Amy L. Beard, Commissioner
Indiana Department of Insurance

Distribution to:

Michael Anthony Prestamer
9610 Fran Lin Parkway
Munster, IN 46321

Joseph Bossinger, Attorney #35166-49
Indiana Department of Insurance
Enforcement Division
311 West Washington Street
Indianapolis, IN 46204

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MOTION FOR EMERGENCY SUSPENSION

The Enforcement Division of the Indiana Department of Insurance (“Enforcement Division”), pursuant to Indiana Code § 4-21.5-4, files its petition for emergency suspension against Michael Anthony Prestamer (“Respondent”), and states:

1. Respondent is a resident insurance producer holding license number 886245 since June 19, 2013.
2. Respondent’s license expires on March 31, 2024.
3. On or around August 3, 2023, Respondent was charged under Cause Number 45G01-2308-F5-000393 with six (6) criminal charges, which include: three (3) counts of Possession of Child Pornography with an aggravating factor, each a Level 5 Felony, and three (3) counts of Possession of Child Pornography, each a Level 6 Felony, in Lake Superior Court in Crown Point, Indiana.
4. On or about August 18, 2023, an initial pretrial hearing in the aforementioned criminal proceeding was held with Respondent in attendance.

5. Respondent failed to notify the Department of Respondent's criminal prosecution not more than thirty (30) days after the initial pretrial hearing..
6. The Indiana Department of Insurance ("Department") has serious consumer protection concerns regarding Respondent's competence and trustworthiness.
7. An emergency exists in that Respondent's continued ability to sell, solicit, or negotiate insurance in the state of Indiana with a valid license places Respondent in a position of trust with Indiana consumers and in control of Indiana consumers' financial circumstances.
8. Indiana Code § 27-1-15.6-12(b)(8) authorizes the Commissioner to suspend an insurance producer's license for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.
9. Indiana Code § 27-1-15.6-12(b)(2)(A) authorizes the Commissioner to suspend an insurance producer's license for violating an insurance law.
10. Indiana Code § 27-1-15.6-17(b) is an insurance law that states, in part, 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.
11. Under Indiana Code § 4-21.5-4-2(a)(1), the Commissioner may, in an emergency, issue orders without notice or an evidentiary proceeding. However, Indiana Code § 4-21.5-4-4 provides that upon issuance of an emergency order, the Respondent may request a hearing as quickly as practicable.

12. Respondent should be required to cease practice as an insurance agent until the Department can be made sure that Respondent has the ability to practice competently and in a trustworthy manner.

WHEREFORE, the Enforcement Division requests that the Department issue an order suspending the Indiana resident producer license of Michael Anthony Prestamer under Indiana Code § 4-21.5-4-2, and for all other necessary and proper relief.

____/s/ Joseph Bossinger____
Joseph Bossinger, Attorney #35166-49
Indiana Department of Insurance
Enforcement Division
311 West Washington Street
Indianapolis, IN 46204

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served upon the Respondent by United States First Class mail, postage prepaid, the same day as filing.

/s/ Joseph Bossinger
Joseph Bossinger #35166-49
Enforcement Division
Indiana Department of Insurance
311 W Washington St, Ste 103
Indianapolis, IN 46234