

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 23086-AD24-0205-005

IN THE MATTER OF:)
)
Kevin James McElwee)
873 W. 21st Street)
San Pedro, CA 90731)
)
Applicant.)
)
Type of Agency Action: Enforcement)
)
License Application #: 1120131)

FILED

JUN 04 2024

STATE OF INDIANA
DEPT. OF INSURANCE

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 Kevin James McElwee (“Applicant”) of the following Administrative Order:

1. Applicant filed an application for nonresident producer licensure with the Commissioner of the Indiana Department of Insurance (“Commissioner”) on January 25, 2024.
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)(1) provides, 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.
4. Indiana Code § 27-1-15.6-12(b)(8) provides, in part, that the Commissioner may refuse to issue an insurance producer license for using fraudulent, coercive, or dishonest practices,

or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.

5. Indiana Code § 27-1-15.6-12(b)(9) provides, 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 materials submitted by Applicant in support of Applicant's application, the Commissioner being fully advised, now hereby notifies Applicant that Applicant has not fully met the requirements of licensure as stated by Indiana Codes §§ 27-1-15.6-12(b)(1), 27-1-15.6-12(b)(8) and 27-1-15.6-12(b)(9) due to the administrative action from November 22, 2019, by the California Commission on Teacher Credentialing, wherein Applicant's teaching certification was revoked due to a finding that Applicant engaged in inappropriate, lewd encounters with a minor student while acting in the role of an educator; having a license denied in another state; and failing to disclose the following administrative actions in Applicant's application for licensure:
 - a. A July 19, 2021, license denial from the Indiana Department of Insurance, due to the nature of Applicant's administrative action by the California Commission on Teacher Credentialing;
 - b. A July 22, 2021, license denial by the Florida Office of Insurance Regulation due to Applicant demonstrating lack of fitness or trustworthiness;
 - c. A December 16, 2021, consent order from the Pennsylvania Insurance Department due to Applicant failing to disclose the Indiana Department of Insurance license denial in an application;

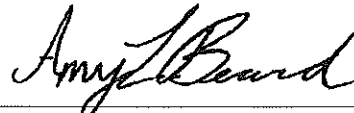
- d. A March 11, 2021, monetary penalty from the Louisiana Department of Insurance due to the Applicant failing to timely report the Pennsylvania Insurance Department administrative action;
 - e. A June 1, 2022, license probation from the California Department of Insurance due to Applicant failing to timely report the Indiana Department of Insurance and Pennsylvania Insurance Department administrative actions; and
 - f. A June 8, 2022, monetary penalty from the New York State Department of Financial Services due to Applicant failing to timely report the Indiana Department of Insurance and Pennsylvania Insurance Department administrative actions.
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 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), 27-1-15.6-12(b)(8) and 27-1-15.6-12(b)(9) due

to Applicant failing to disclose administrative actions in a license application, having a license denied in another state, and due to the nature of the prior administrative action taken by the California Commission on Teaching Credentialing. Applicant may reapply for licensure not less than one (1) year from the date of this order.

6.04.2024

Date Signed



Amy L. Beard, Commissioner
Indiana Department of Insurance

Distribution to:

Kevin McElwee
873 W. 21st Street
San Pedro, CA 90731

Joseph Bossinger, Attorney
ATTN: Hana Biele, Investigator
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204
317-234-5153, fax 317 234-2103