June 26, 1943.

Hon. Frank F. Viehmann,
Insurance Commissioner,
State House,
Indianapolis, Indiana.

Dear Mr. Viehmann:

I have your letter of the 5th in which you ask the following question:

"May the Department of Insurance charge a life insurance company with the expense of examining the books of corporate general agencies of such company?"

The statute providing for examinations of insurance companies is Section 15 of Chapter 162 of the Acts of 1935 (Sec. 39-3312, Burns' 1940 Replacement). That statute provides as follows:

"The department may examine into the affairs of any insurance company doing business in this state and of any company engaged in or professing to be engaged in organizing, promoting or soliciting stock or capital contributions to or aiding in the formation of an insurance company or of any company which holds the capital stock of an insurance company for the purpose of controlling the management thereof as voting trustee or otherwise. For such purpose it may appoint as examiners such competent persons, not officers of or connected with or interested in any insurance company, other than as policyholder in any other company above referred to, and upon such examination the commissioner, his deputy, or any examiner authorized by him may examine under oath the officers and agents of such company and all persons deemed to have material information regarding the company's property or business. Every such company, its officers and agents, shall produce at the office of the company..."
where the same are kept its books and all papers in its or their possession relating to its business or affairs, and any other person may be required to produce any book or paper in his custody relevant to the examination for the inspection of the commissioner, his deputy, or examiners whenever required and the officers and agents of such company shall facilitate such examination and aid the examiners in making the same so far as it is in their power to do so."

Section 16 of the same Act (Sec. 39-3313, Burns' 1940 Replacement) provides as follows:

"It shall be the duty of the department to examine every domestic insurance company, as provided in section fifteen (Sec. 39-3312) of this act, at least once in three (3) years or as often as the department, in its discretion, may deem necessary. The expense of all examinations and/or investigations of such companies as in this act provided shall be paid by the company so examined."

It will be noted that Section 15 above quoted in part provides the department may examine into the affairs of any insurance company, and further specifies that the officers and agents of such company may be examined under oath and shall produce at the office of the company its books and papers relating to the affairs of the company. It would seem that the language of the statute alone authorizes an examination of agencies. That language is clarified by the definition of an agent as set forth in Section 3 of the same Act (Sec. 39-3203, Burns' 1940 Replacement), which provides, at subsection (i):

"(i) The term 'agent' means any person, firm or corporation, not being an officer or salaried home or department office employee of a company or a duly licensed insurance broker, who solicits business in behalf of any company, corporation or association or transmits for a person other than himself an application for a policy of insurance of any kind to or from such company, corporation or association; to act in the negotiation of any such policy or in the negotia-
tion of its continuance or renewal; to write and countersign policies and collect premiums therefor."

The Indiana courts have uniformly ruled that in construing a statute, unless there is a clearly manifest intention to the contrary, the words used should be given their plain, ordinary and usual sense. The meaning of the statute must be gathered from the language of the Act as embodied therein.

Ind. State Board of Medical Registration and Examination v. Pickard, 93 Ind. App. 171, at 179;
Smith, Trustee v. State, 202 Ind. 185 at 191;
Bellenbrock v. Miller, 185 Ind. 600.

Since the statute clearly provides for examination of agents, and since there is no contrary intent exhibited in any part of the Act, I am of the opinion that in the examination of the affairs of an insurance company, examination of a corporate agency may also be included at the expense of the company when necessary to obtain full information upon the solvency of the company or the lawful conduct of its business.

INDIANA STATE BOARD OF EXAMINATION AND REGISTRATION OF NURSES: Temporary permits. Board's authority in enforcing the licensing of nurses.

November 29, 1943.

Miss Olivia M. Dickhaut, R. N.,
Secretary of the Indiana State Board of Examination and Registration of Nurses,
301 State House,
Indianapolis 4, Indiana.

Dear Miss Dickhaut:

Your letter of November 9, 1943, received as follows:

"We submit herewith questions concerning policies for licensing of nurses in Indiana.
"In your opinion is a temporary permit indicated for any reason?"