

STATE OF OHIO
DEPARTMENT OF INSURANCE
50 WEST TOWN STREET
3RD FLOOR, SUITE 300
COLUMBUS, OHIO 43215

In the Matter of:	:	
JOHN W. DANIEL	:	
NPN: 17303133	:	JUDITH L. FRENCH
TO BE LICENSED AS A NON-	:	Superintendent/Director
RESIDENT INSURANCE AGENT	:	
	:	

NOTICE OF OPPORTUNITY FOR HEARING

The Ohio Department of Insurance ("Department"), by and through its Superintendent, is charged with the responsibility of administering and enforcing Title 39 of the Ohio Revised Code ("R.C.") and the associated rules and regulations.

John W. Daniel ("Daniel") is currently licensed as a non-resident insurance agent in the State of Ohio. The Department, on behalf of the Superintendent, conducted an investigation into Daniel's activities. As a result of that investigation, the Department alleges that Daniel violated the laws and regulations of this State and that he is not suitable to be licensed as an insurance agent in the State of Ohio.

In accordance with R.C. Chapter 119 and Title 39, Daniel is notified that the Superintendent intends to decide whether to revoke his license as an insurance agent in the State of Ohio and/or impose any other sanction authorized by R.C. 3905.14(E) and (G), including civil penalties or administrative costs. The grounds for such action are alleged below.

COUNT ONE

On or about March 17, 2021, Daniel misrepresented to an applicant ("L.G.") the type(s) of an insurance coverage they were purchasing. To wit: Daniel sold L.G. a whole life policy and accidental death policy rather than a whole life policy and a term life policy as was discussed and quoted to L.G. during a sales telephone call.

R.C. 3905.14(B)(5) provides that the Superintendent may suspend, revoke, or refuse to issue a license of an agent for intentionally misrepresenting the terms, benefits, value, cost, or effective dates of any actual or proposed insurance contract or application for insurance.

COUNT TWO

The allegations contained in Count One are incorporated as if fully rewritten herein.

On or about April 21, 2021, Daniel was terminated for cause from Mutual of Omaha Insurance Company.

R.C. 3905.14(B)(9) provides that the Superintendent may suspend, revoke, or refuse to issue a license of an agent for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility, in the conduct of business in this state or elsewhere.

COUNT THREE

On or about December 2, 2021, Daniel's non-resident insurance producer license was revoked in the state of Arkansas via an administrative action.

R.C. 3905.14(B)(10) provides that the Superintendent may suspend, revoke, or refuse to issue a license of an agent for having an insurance license, or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory.

COUNT FOUR

The allegations contained in Count Three are incorporated as if fully rewritten herein.

Daniel failed to timely report the administrative action taken against him, as described in Count Three, to the Department.

R.C. 3905.22(A) provides that an insurance agent shall provide notice to Department of any administrative action taken against the agent in another jurisdiction or by another governmental agency having professional, occupational, or financial licensing authority within thirty days after the final disposition of the matter.

R.C. 3905.14(G)(2) provides that violation of R.C. 3905.22 is a class B offense. The Superintendent may impose a civil penalty in an amount not exceeding twenty-five thousand dollars; assess administrative costs; order corrective action; or accept a surrender for cause offered by the licensee for a class B offense.

Daniel is hereby notified that he may request a hearing pursuant to R.C. Chapter 119. The Department must receive any request for a hearing within 30 days of the mailing of this Notice. The request must be in writing and directed to:

Hearing Administrator
Ohio Department of Insurance
50 West Town Street
3rd Floor, Suite 300
Columbus, Ohio 43215
Telephone: (614) 644-2640
Facsimile (614) 644-3742
Email: ins.hearings@insurance.ohio.gov

At the hearing, Daniel may appear in person, by his attorney, or by such other representative as is permitted to practice before the agency, or he may present his position, arguments or contentions in writing and, at the hearing, Daniel may present evidence and examine witnesses appearing for and against him.

If no hearing is requested, the matter will proceed to the Superintendent for decision where she may impose any sanction allowed by law.

JUDITH L. FRENCH
Director



DATED: April 6, 2023

BY:

Joshua Monroe
Attorney- Office of Legal Services
Ohio Department of Insurance