

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

IN THE MATTER OF:	:	
<b>PATRICIA DEPAMPHILIS</b>	:	
NPN: 19642824	:	JUDITH L. FRENCH
TO BE LICENSED AS A RESIDENT	:	Superintendent/Director
INSURANCE AGENT IN THE STATE	:	
OF OHIO	:	

**FINAL ORDER**

After considering the Hearing Officer's recommendation, the transcript of testimony and evidence, and in accordance with Ohio Revised Code ("R.C.") 119.09 and 3905.01 through 3905.14, the Ohio Department of Insurance ("Department"), by and through its Superintendent, confirms and approves the Hearing Officer's findings of fact, conclusions of law, and recommendation to revoke Patricia DePamphilis' resident insurance agent license, and deny the application she submitted on October 13, 2022, as stated in the Report and Recommendation.

Patricia DePamphilis ("DePamphilis") is licensed as a resident insurance agent in the State of Ohio with a property and casualty line of authority. The Department issued DePamphilis a Notice of Opportunity for Hearing dated January 11, 2023 ("Notice"), after it investigated a license application for additional lines of authority that DePamphilis submitted on October 13, 2022. The Notice stated that the Department intended to suspend, revoke, or refuse to issue or renew DePamphilis' license as a resident insurance agent in the State of Ohio or impose any other sanction authorized by R.C. 3905.14, including assessment of a civil penalty or administrative costs, for violations of R.C. 3905.14(B)(1) (one count), 3905.14(B)(7) (one count), 3905.14(B)(10) (one count), and R.C. 3905.22(A) (two separate counts), described therein. The Notice informed DePamphilis of her right to request a hearing on the proposed action.

On January 22, 2023, DePamphilis timely requested a hearing. DePamphilis was served with hearing notices pursuant to R.C. 3905.14(D). A hearing was held on April 5, 2023. Assistant Attorney General Christie Limbert represented the Department. DePamphilis did not appear at the hearing. The Department admitted 10 exhibits into the record. DePamphilis did not enter any exhibits into the record.

On April 27, 2023, the Hearing Officer issued a Report and Recommendation in this matter. The Hearing Officer found that the Department sustained its burden of proof by a preponderance of the evidence and DePamphilis failed to rebut the evidence presented on the three violations of R.C. 3905.14(B) and two violations of R.C. 3905.22(A). The Hearing Officer recommended that the Department revoke DePamphilis' existing resident insurance agent license and deny DePamphilis' October 13, 2022, license application based on the three violations of R.C. 3905.14(B) and two violations of R.C. 3905.22(A).

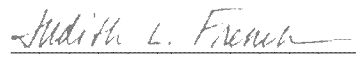
Pursuant to R.C. 119.07 and 3905.14(D), the Hearing Officer's Report and Recommendation was served on DePamphilis. DePamphilis did not file Objections to the Report and Recommendation.

The record demonstrates and the Hearing Officer found that the Department sustained its burden of proof by a preponderance of the evidence on three separate violations of 3905.14(B) and two separate violations of R.C. 3905.22(A) described in the Notice. The Hearing Officer recommended that the Department revoke DePamphilis' resident insurance agent license and deny her October 13, 2022, license application based on those violations of R.C. 3905.14(B).

The Superintendent confirms and approves the Hearing Officer's findings of fact, conclusions of law, and recommendation contained in the attached Report and Recommendation, which is incorporated into this Final Order by reference.

**NOW, THEREFORE, IT IS ORDERED:**

Pursuant to the authority in R.C. 3905.14, Patricia DePamphilis' license as a resident insurance agent in the State of Ohio is REVOKED and her license application dated October 13, 2022 is DENIED. This Final Order is effective immediately, signed this 24th day of August, 2023.

  
JUDITH L. FRENCH  
Superintendent/Director

**NOTICE OF APPELLATE RIGHTS**

This Order may be appealed by filing a Notice of Appeal with the Ohio Department of Insurance ("Department"), Attn: Hearing Program Administrator, 50 West Town St., Suite 300, Columbus, Ohio 43215, setting forth the order appealed from and stating that the Department's Order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The Notice of Appeal may, but need not, set forth the specific grounds of the appeal beyond the statement that the Department's Order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The Notices of Appeal shall also be filed by the party desiring the appeal with the appropriate court of common pleas. Such notices of appeal shall be filed within fifteen (15) days after the mailing of the Department's Order as provided in R.C. 119.12. In filing a Notice of Appeal with the Department or court, the notice that is filed may be either the original notice or a copy of the original notice.

In the Matter of:	:	Case Nos.	LGL-202211-022 &
	:		LGL-202301-005
	:		
PATRICIA DEPAMPHILIS	:	Michelle L. Riske-Morris, Esq.	
NPN: 19642824	:	Hearing Officer	
TO BE LICENSED AS AN	:		
INSURANCE AGENT	:		

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This matter came before Michelle Riske-Morris, an attorney licensed to practice law in Ohio, and serving as a Hearing Officer for the Ohio Department of Insurance (“ODI”) for this hearing in accordance with the Ohio Administrative Procedure Act, Ohio Revised Code (“ORC”) Chapter 119. The Hearing was held on Wednesday, April 5, 2023 remotely via Microsoft Teams. The purpose of the hearing was in regards to the ODI Superintendent’s intention to deny, revoke and/or renew Patricia Depamphilis’ license as an insurance agent in the State of Ohio pursuant to Ohio Revised Code Section 3905.14(E) & (G).

The hearing was pursuant to a Notice of Opportunity for Hearing issued on January 11, 2023 by the ODI. The grounds for such action are based on the following:

#### COUNT ONE

On or about October 19, 2021, Depamphilis was convicted of Unauthorized Use of Property, a misdemeanor that involves the misuse or theft of money or property belonging to another, fraud, forgery, dishonest acts, or breach of fiduciary duty, that is based on any act relating to the business of insurance, securities, or financial services, or that involves moral turpitude, in the Court of Common Pleas for Summit County, Ohio.

R.C. 3905.14(B)(7) provides that the Superintendent may suspend, revoke, or refuse to issue or renew any license of an insurance agent for having been convicted of or pleaded guilty or no contest to a misdemeanor that involves the misuse or theft of money or property belonging to another, fraud, forgery, dishonest acts, or breach of fiduciary duty, that is based on any act or omission relating to the business of insurance, securities, or financial services, or that involves moral turpitude regardless of whether a judgement has been entered by the court.

#### COUNT TWO

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

Depamphilis failed to timely report the criminal prosecution taken against her, as described in Count One, to the Department.

R.C. 3905.22(B) provides that an insurance agent shall provide notice to the Department of any criminal prosecution taken against the agent within thirty days after the agent's initial appearance before judge or magistrate and within thirty days following the final disposition of that case.

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.

#### COUNT THREE

On or about August 11, 2022, the Insurance Commissioner of the State of California issued an Administrative Order adopting an Order a Stipulation and Waiver for Surrender of License for Cancellation ("Stipulation and Waiver") that was executed by Depamphilis. The Stipulation and Waiver deems the administrative action to be a "revocation for cause" and permanently bars Depamphilis from applying or holding any license or registration issued by the Insurance Commissioner of California.

R.C. 3905.14(B)(10) provides that the Superintendent may suspend, revoke, or refuse to issue or renew any license of an insurance agent for having an insurance agent 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.

On October 13, 2022, Depamphilis submitted an application for a line of authority for accident and health to the Department, which would have allowed her to provide accident and health insurance. On her application, Depamphilis answered "No" to Background Question 2, which reads in pertinent part: "Have you ever been named or involved as a party in an administrative

proceeding, including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration?..."

R.C. 3905.14(B)(1) provides that the Superintendent may suspend, revoke, or refuse to issue or renew any license of an insurance agent for providing incorrect, misleading, incomplete, or materially untrue information in a license application.

#### COUNT FIVE

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

Depamphilis failed to timely report the administrative action taken against her, 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.

Christie Limbert, an Assistant Attorney General with the Executive Agencies Section of the Ohio Attorney General's Office, represented ODI. Ms. Depamphilis was not present although duly notified. Sean Sullivan, an Investigative Officer 2 with the Ohio Department of Insurance, appeared on behalf of ODI. Cheryl Jeffrey, Administrator for the Ohio Department of Insurance also testified on behalf of ODI.

HEARING EXAMINER NOTE: all references to Exhibits shall be by the name of the party tendering the Exhibit and by the Bates Number of each page as stamped in the lower right-hand corner if provided otherwise page references will be listed consecutively. The State's Exhibit 1 thru 10 were introduced and admitted into the record, copies of which are attached and fully incorporated herein. Confidential information contained in Exhibits 4 & 5 were redacted and Exhibit 9 settlement discussions were redacted. The hearing was recorded by Michele Snyder, Court Reporter for Armstrong and Okey, Inc.

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1. This case is the result of an action by the Superintendent of ODI.

2. On January 11, 2023, ODI sent Patricia Depamphilis a Notice of Opportunity for Hearing and Notice of Intent to Deny License (State's Exhibit 1, pgs. 1-5). The grounds for such action are based on the following:

#### COUNT ONE

On or about October 19, 2021, Depamphilis was convicted of Unauthorized Use of Property, a misdemeanor that involves the misuse or theft of money or property belonging to another, fraud, forgery, dishonest acts, or breach of fiduciary duty, that is based on any act relating to the business of insurance, securities, or financial services, or that involves moral turpitude, in the Court of Common Pleas for Summit County, Ohio.

R.C. 3905.14(B)(7) provides that the Superintendent may suspend, revoke, or refuse to issue or renew any license of an insurance agent for having been convicted of or pleaded guilty or no contest to a misdemeanor that involves the misuse or theft of money or property belonging to another, fraud, forgery, dishonest acts, or breach of fiduciary duty, that is based on any act or omission relating to the business of insurance, securities, or financial services, or that involves moral turpitude regardless of whether a judgement has been entered by the court.

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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.

#### COUNT THREE

On or about August 11, 2022, the Insurance Commissioner of the State of California issued an Administrative Order adopting an Order a Stipulation and Waiver for Surrender of License for Cancellation ("Stipulation and Waiver") that was executed by Depamphilis. The Stipulation and Waiver deems the administrative action to be a "revocation for cause" and permanently bars Depamphilis from applying or holding any license or registration issued by the Insurance Commissioner of California.

R.C. 3905.14(B)(10) provides that the Superintendent may suspend, revoke, or refuse to issue or renew any license of an insurance agent for having an insurance agent 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.

On October 13, 2022, Depamphilis submitted an application for a line of authority for accident and health to the Department, which would have allowed her to provide accident and health insurance. On her application, Depamphilis answered "No" to Background Question 2, which reads in pertinent part: "Have you ever been named or involved as a party in an administrative proceeding, including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration?...".

R.C. 3905.14(B)(1) provides that the Superintendent may suspend, revoke, or refuse to issue or renew any license of an insurance agent for providing incorrect, misleading, incomplete, or materially untrue information in a license application.

#### COUNT FIVE

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

Depamphilis failed to timely report the administrative action taken against her, 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.

3. The Notice of Opportunity for Hearing was sent by certified mail on January 11, 2023 to Ms. Depamphilis (State's Exhibit 1, pgs. 6-7).
4. Ms. Depamphilis requested a hearing on January 22, 2023. In her email Ms. Depamphilis stated that her preferred communication is her email address, i.e., [ecotrish501@gmail.com](mailto:ecotrish501@gmail.com). Ms. Depamphilis also notified ODI that she had obtained legal counsel, Attorney Levi Tkach (State's Exhibit 2, pg. 1-2).

5. The Hearing Scheduling Notification was sent to Ms. Depamphilis and her legal counsel on February 2, 2023 and the hearing was scheduled for Tuesday, April 4, 2023 remotely via Microsoft Teams (State's Exhibit 3, pgs. 1-4).
6. Another Hearing Scheduling Notification was sent to Ms. Depamphilis and her legal counsel on February 2, 2023 correcting the hearing date for Wednesday, April 5, 2023 remotely via Microsoft Teams (State's Exhibit 3, pgs. 5-6 & Recorded testimony of Cheryl Jeffrey, Transcript 31:21-25).
7. Emails were sent to the parties, including counsel for Ms. Depamphilis, notifying them of the corrected hearing date to which Ms. Depamphilis responded (State's Exhibit 9, pgs. 1-3 & Recorded testimony of Cheryl Jeffrey, Transcript 32:9-25 & 33:1-6).
8. Attorney Levi Tkach filed a notification of withdrawal as counsel for Ms. Depamphilis (Recorded testimony of Cheryl Jeffrey, Transcript 33:8-16).

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1. Ms. Depamphilis is currently licensed as a resident insurance agent in property and casualty lines of authority (Recorded testimony of Sean Sullivan, Transcript 10:10-13). Ms. Depamphilis has been licensed with ODI since September 14, 2020 (Recorded testimony of Sean Sullivan, Transcript 27:23-25 & 28:1).
  2. As an insurance agent with ODI, Ms. Depamphilis provided an email address for contacting her. The email address was ecotrish501@gmail.com (State's Exhibit 4, pgs. 1-2 & Recorded testimony of Sean Sullivan, Transcript 12:6-12).
  3. On October 13, 2022 Ms. Depamphilis submitted an application through NIPR for two additional lines of authority, accident and health and life (State's Exhibit 5, pgs. 1-4 & Recorded testimony of Sean Sullivan, Transcript 12:16-21).
  4. Under the section, Background Questions, Question 1A, Ms. Depamphilis indicated that she had been "convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor? You may exclude the following misdemeanor convictions or pending misdemeanor charges: traffic citations, driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. You may also exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court)" (State's Exhibit 5, pg. 1).
  5. Under the section, Background Questions, Question 2, Ms. Depamphilis indicated that she had not been "named or involved as a party in an administrative proceeding, including



FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration? "Involved" means having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, a cease and desist order, a prohibition order, a compliance order, placed on probation, sanctioned or surrendering a license to resolve an administrative action (State's Exhibit 5, pg. 1).

6. As part of the investigation, ODI obtained records regarding Ms. Depamphilis' misdemeanor conviction (State's Exhibit 6, pgs. 1-10 & Recorded testimony of Sean Sullivan, Transcript 15:1-21).
7. In Case No. CR 2021-01-0127, Summit County Court of Common Pleas, on January 25, 2021, Ms. Depamphilis was indicted for passing bad checks, a felony five in violation of Ohio Revised Code Section 2913.11(B) & 2913.11(F) (State's Exhibit 6, pgs. 1-3). Ms. Depamphilis was arraigned on February 22, 2021 (State's Exhibit 6, pg. 5).
8. On October 19, 2021 the charge was amended to unauthorized use of property, a first degree misdemeanor, to which Ms. Depamphilis plead guilty (State's Exhibit 6, pg. 7).
9. NIPR's electronic database affords the opportunity to report information, including criminal actions. On March 4, 2022 Ms. Depamphilis reported her criminal conviction (State's Exhibit 7, pgs. 1-2 & Recorded testimony of Sean Sullivan, Transcript 17:3-25 & 18: 1-19).
10. As part of ODI's investigation it learned that Ms. Depamphilis had another action in another state. Records from the state of California were obtained from ODI regarding the action (State's Exhibit 8, pgs. 1-7 & Recorded testimony of Sean Sullivan, Transcript 20:13-21).
11. The records contain information pertaining to an enforcement action regarding Ms. Depamphilis. On August 10, 2022 Ms. Depamphilis executed a Stipulation and Waiver for License for Cancellation, OAH File No. 2022070664, In the Matter of the Licenses and Licensing Rights of Patricia Ann Depamphilis, State of California, Department of Insurance. The Stipulation and Waiver states in pertinent part that Ms. Depamphilis does:
  - a. Admit that the California Department of Insurance has prima facie evidence to revoke her license and licensing rights pursuant to the provisions of California Insurance Code;
  - b. Request that the Insurance Commissioner by adopting the Stipulation accept the voluntary surrender of her licenses and licensing rights, License No. 4073109, issued by the Insurance Commissioner; and
  - c. Consent that insofar as the future application of subdivision (c) of Section 1669 of the Insurance Code is concerned, the surrender of license herein provided shall be considered a revocation for cause (State's Exhibit 8, pg. 3).

12. An Order was thereafter issued in OAH File No. 2022070664 by the Insurance Commissioner in California adopting the Stipulation and Waiver on August 11, 2022 (State's Exhibit 8, pg. 2).
13. Notice of this administrative action was reported October 19, 2022 to ODI (State's Exhibit 7, pg. 2 & Recorded testimony of Sean Sullivan, Transcript 23:1 & 24:1-2).
14. On December 2, 2022 in Case No. CV 2022 09 3201, the Summit County Court of Common Pleas, issued Ms. Depamphilis a Certificate of Qualification for Employment which is issued by the Ohio Department of Rehabilitation and Correction (State's Exhibit 10, pgs. 1-2).
15. On December 9, 2022 Ms. Depamphilis provided correspondence to ODI regarding her activities in the within matter to ODI (State's Exhibit 10, pgs. 3-6 & Recorded testimony of Cheryl Jeffrey, Transcript 33:22-25).

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A. \_\_\_\_\_

1. ODI has procedurally complied with Ohio Revised Code Chapter 119 and jurisdiction over this matter has been established.

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1. ODI is the state agency responsible for the licensing and regulation of insurance agents pursuant to Ohio Revised Code Title 39.
  2. The ODI conducted an investigation regarding the activities of Ms. Depamphilis. Sean Sullivan, Investigative Officer 2, for ODI has been employed with ODI for approximately 13 years. As an investigator he investigates complaints that are submitted with respect to agents or agencies with ODI. Once an investigation is completed, he will prepare a report and review the report with management and the legal division (Recorded testimony of Sean Sullivan, Transcript 7:14-25, 8:1-25 & 9:1-13). Although Mr. Sullivan did not work on the investigation regarding Ms. Depamphilis the investigation was re-assigned to him when the previous investigator left the ODI (Recorded testimony of Sean Sullivan, Transcript 9:17-25).
  3. With respect to Count One of the Notice of Opportunity for Hearing, Ohio Revised Code Section 3905.14(B)(7) authorizes the Superintendent of ODI to suspend, revoke, or refuse to issue or renew any license as an insurance agent to an individual who has been "convicted of or pleaded guilty or no contest to a misdemeanor that involves the misuse or theft of money or property belonging to another, fraud, forgery, dishonest acts, or breach of a fiduciary duty, that is based on any act or omission relating to the business of insurance, securities, or

financial services, or that involves moral turpitude regardless of whether a judgment has been entered by the court” (Ohio Revised Code Section 3905.14(B)(7)).

4. On January 25, 2021 Ms. Depamphilis was convicted of unauthorized use of property, a first degree misdemeanor, in the Summit County Court of Common Pleas. Said conviction involves acts that are set forth in Ohio Revised Code Section 3905.14 (B)(7), including the misuse and/or theft of money or property belonging to another, and dishonest acts.
5. On October 2, 2022 Ms. Depamphilis was issued a Certificate of Qualification for Employment from the Summit County Court of Common Pleas, Case No. CV 2022 09 3201. Pursuant to 2953.23(D) a Certificate of Qualification for Employment issued to an individual lifts the automatic bar of a collateral sanction, and a decision-maker shall consider on a case-by-case basis whether to grant or deny the issuance or restoration of an occupational license. The certificate constitutes a rebuttable presumption that the person's criminal convictions are insufficient evidence that the person is unfit for the license. This section further provides that notwithstanding the presumption established under this division, the agency may deny the license or certification for the person if it determines that the person is unfit for issuance of the license (Ohio Revised Code Section 2953.25(D)).
6. Sean Sullivan testified that as a licensed insurance agent, there are occasions where the agent could be in possession of clients' funds and it is important for those agents to properly handle those funds. A conviction for misuse of property would be concerning to ODI (Recorded testimony of Sean Sullivan, Transcript 25:18-25 & 26:1-9).
7. On December 2, 2022 Ms. Depamphilis provided written correspondence to the ODI providing her account for the facts and circumstances regarding the criminal offense. Ms. Depamphilis stopped payment on a check for car repairs in 2019 as she believed the repairs were not completed properly. As she had moved, she was not aware of the action until December 2020 when applying for licensure in the state of Florida. Ms. Depamphilis also indicated she believed a representative from her employer Allstate had made the notifications regarding the conviction (State's Exhibit 10, pgs. 3-4).
8. This Hearing Officer finds that Ms. Depamphilis was convicted of a misdemeanor that involves acts set forth in Ohio Revised Code Section 3905.14(B)(7), to wit the misuse and/or theft of money or property belonging to another, and/or dishonest acts. However, the facts were in relation to a stop payment for a check for car repairs. A Certificate of Qualification for Employment lifts the automatic bar of a collateral sanction and the certificate constitutes a rebuttable presumption that the criminal conviction is insufficient evidence that the person is unfit for the license. ODI only provided testimony stating that the client may be in possession of client funds at some point regarding concerns surrounding the conviction, but this alone is insufficient evidence to rebut the presumption or a finding that Ms. Depamphilis is unfit for licensure. While ODI also references that Ms. Depamphilis failed to timely notify ODI of this criminal proceeding that matter is addressed in a separate count.

9. With respect to Count Two set forth in the Notice of Opportunity for Hearing, Ohio Revised Code Section 3905.22(B) requires that an insurance agent provide notice to the Superintendent of any criminal prosecution of the agent by any jurisdiction, other than misdemeanor traffic, within thirty days after the agent's initial appearance before a judge or magistrate (Ohio Rev Code Section 3905.22(B)). Failure to comply with Ohio Revised Code Section 3905.22 is a class B offense for which the ODI 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 (Ohio Rev Code Section 3905.14(G)(2)).
10. Ms. Depamphilis was arraigned on February 22, 2021 in the Summit County Court of Common Pleas, Case No. CR 2021 01 0127 (State's Exhibit 6, pg. 5) and plead guilty on October 19, 2021 (State's Exhibit 6, pg. 7). Ms. Depamphilis did not notify the ODI until March 4, 2022 (State's Exhibit 7, pg. 2), close to a year after initial appearance before the judge in the criminal case and almost five months after she was convicted.
11. Sean Sullivan testified that it is important for licensees to report administrative actions in other states in a timely manner (Recorded testimony of Sean Sullivan, Transcript 26:10-16).
12. Although Ms. Depamphilis indicated in her correspondence that she believed a licensing officer at Allstate had notified every one of her conviction (State's Exhibit 10, pg. 4), Ohio Revised Code Section 3905.22(B) is clear that the responsibility is with the insurance agent. Ms. Depamphilis failed to properly notify ODI.
13. This Hearing Officer finds that Ms. Depamphilis failed to properly notify the ODI of her misdemeanor conviction. Ohio Revised Code 3905.22(B) requires the insurance agent to notify the ODI within thirty days after the agent's initial appearance. The ODI provided reliable, probative and sufficient evidence that Ms. Depamphilis did not notify the ODI until almost a year later after her arraignment and almost five months after her conviction. The ODI therefore has the authority pursuant to Ohio Revised Code Section 3905.14(G)(2) to impose a civil penalty in an amount not exceeding twenty-five thousand dollars, assess administrative costs, order corrective action, and/or accept a surrender for cause offered by the licensee for a class B offense. Accordingly, the ODI has sustained its burden of proof with regard Count Two set forth in the Notice of Opportunity for Hearing.
14. With respect to Count Three in the Notice of Opportunity for Hearing, Ohio Revised Code Section 3905.14(B)(10) states that that the Superintendent may suspend, revoke, or refuse to issue or renew any license of an insurance agent for having an insurance agent license, or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory (Ohio Revised Code 3905.14(B)(10)).

15. On August 11, 2022 an Order was issued by the Insurance Commissioner in California adopting the Stipulation and Waiver for License for Cancellation, OAH File No. 2022070664, In the Matter of the Licenses and Licensing Rights of Patricia Ann Depamphilis, State of California, Department of Insurance executed by Ms. Depamphilis. Per the Order Ms. Depamphilis' license with the California Department of Insurance was surrendered (State's Exhibit 8, pg. 2).
16. The Stipulation and Waiver executed by Ms. Depamphilis on August 10, 2022 states that Ms. Depamphilis admits that the California Department of Insurance had prima facie evidence to revoke her license and licensing rights, requested that the Insurance Commissioner accept the voluntary surrender of her licenses and licensing rights, License No. 4073109, and consented that the surrender of license shall be considered a revocation for cause (State's Exhibit 8, pgs. 3-4).
17. This Hearing Officer finds that the ODI is within its authority to suspend, revoke, or refuse to issue or renew any insurance license for Ms. Depamphilis pursuant to Ohio Revised Code Section 3905.14(B)(10). The ODI provided reliable, probative and sufficient evidence that Ms. Depamphilis' insurance license with the California Department of Insurance was revoked for cause. Accordingly, the ODI has sustained its burden of proof with regard Count Three set forth in the Notice of Opportunity for Hearing.
18. With respect to Count Four in the Notice of Opportunity for Hearing, Ohio Revised Code Section 3905.14(B)(1) provides that the Superintendent may suspend, revoke, or refuse to issue or renew any license of an insurance agent for providing incorrect, misleading, incomplete, or materially untrue information in a license application (Ohio Revised Code Section 3905.14(B)(1)).
19. When Ms. Depamphilis submitted her application for additional lines of authority on October 13, 2022 she answered "No" for Question 2, in the Background Questions, regarding whether she had been "named or involved as a party in an administrative proceeding, including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration? "Involved" means having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, a cease and desist order, a prohibition order, a compliance order, placed on probation, sanctioned or surrendering a license to resolve an administrative action (State's Exhibit 5, pg. 1).
20. Ms. Depamphilis' correspondence to the ODI states that she informed California that she was no longer working for Allstate, she no longer had a need for her California property and casualty license and she did not know that she had to report it to NIPR as she believed it was an "alternative permanent resolution to avoid any administrative actions" (State's Exhibit 10, pgs. 3-5).
21. As referenced earlier in this report, on August 11, 2022 in an administrative proceeding initiated by the California Department of Insurance, an Order was issued by the Insurance

Commissioner adopting the Stipulation and Waiver for License for Cancellation, OAH File No. 2022070664, In the Matter of the Licenses and Licensing Rights of Patricia Ann Depamphilis, State of California, Department of Insurance executed by Ms. Depamphilis. Per the Order Ms. Depamphilis' license with the California Department of Insurance was surrendered (State's Exhibit 8, pg. 2). The Stipulation and Waiver executed by Ms. Depamphilis on August 10, 2022 states that Ms. Depamphilis consented that the surrender of license shall be considered a revocation for cause (State's Exhibit 8, pgs. 3-4).

22. This Hearing Officer finds that the ODI is within its authority to suspend, revoke, or refuse to issue or renew any insurance license for Ms. Depamphilis pursuant to Ohio Revised Code Section 3905.14(B)(1). The ODI provided reliable, probative and sufficient evidence that Ms. Depamphilis' provided incorrect and materially untrue information in her license application filed with NIPR on October 13, 2022. Just two months prior Ms. Depamphilis surrendered her license through an administrative proceeding and the question in NIPR was clear that Ms. Depamphilis had a duty to report this action. Accordingly, the ODI has sustained its burden of proof with regard Count Four set forth in the Notice of Opportunity for Hearing.
23. With respect to the final count, Count Five, in the Notice of Opportunity for Hearing, Ohio Revised Code Section 3905.22(A) requires that an insurance agent shall provide notice to Superintendent of ODI 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 (Ohio Revised Code Section 3905.22(A)).
24. Failure to comply with Ohio Revised Code Section 3905.22 is a class B offense for which the ODI 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 (Ohio Rev Code Section 3905.14(G)(2)).
25. The Order by the Insurance Commissioner in California adopting the Stipulation and Waiver for License for Cancellation, OAH File No. 2022070664, In the Matter of the Licenses and Licensing Rights of Patricia Ann Depamphilis, State of California, Department of Insurance executed by Ms. Depamphilis was issued on August 11, 2022.
26. Sean Sullivan testified that it is important for licensees to report administrative actions in other states in a timely manner (Recorded testimony of Sean Sullivan, Transcript 26:10-16).
27. Notice of this administrative action was reported October 19, 2022 to ODI (State's Exhibit 7, pg. 2 & Recorded testimony of Sean Sullivan, Transcript 23:1 & 24:1-2), more than two months after it had been finalized.

28. As indicated earlier, Ms. Depamphilis' correspondence to the ODI that she believed the matter involving the California Department of Insurance was an "alternative permanent resolution to avoid any administrative actions" (State's Exhibit 10, pgs. 3-5) is without merit as it is clear that this was an administrative action.
29. This Hearing Officer finds that Ms. Depamphilis failed to properly notify the ODI of her administrative proceedings by the California Department of Insurance. Ohio Revised Code 3905.22(A) requires the insurance agent to notify the ODI within thirty days after the final disposition of the matter (Ohio Revised Code Section 3905.22(A)). The ODI provided reliable, probative and sufficient evidence that notification to the ODI did not occur until more than two months after final disposition. The ODI therefore has the authority pursuant to Ohio Revised Code Section 3905.14(G)(2) to impose a civil penalty in an amount not exceeding twenty-five thousand dollars, assess administrative costs, order corrective action, and/or accept a surrender for cause offered by the licensee for a class B offense. Accordingly, the ODI has sustained its burden of proof with regard Count Five set forth in the Notice of Opportunity for Hearing.
30. Based upon counts two through five, this Hearing Officer finds that the evidence does not support that at this time Ms. Depamphilis is suitable to be licensed as an insurance agent in the State of Ohio. Ms. Depamphilis was convicted of a first degree misdemeanor for unauthorized use of property and she failed to report said criminal proceedings in a timely manner. Ms. Depamphilis further failed to report to the ODI an administrative action with the California Department of Insurance involving the surrender of her license, in which she acknowledged that for future applications it shall be considered a revocation for cause; failed to report said administrative action in a timely manner; and also failed to report said administration action on her insurance application for additional lines of authority with NIPR.

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In Cases LGL-202211-022 and LGL-202301-005, In the Matter of Patricia Depamphilis, based upon the evidence submitted into the record, ODI is within its authority to revoke Ms. Depamphilis' license as an insurance agent in the State of Ohio and it is the Hearing Officer's recommendation that the evidence presented during the hearing support revocation at this time as authorized by ORC Section 3905.14. ODI is also within its authority to deny Ms. Depamphilis' application for licensure for lines of authority regarding accident and health and life insurance as an insurance agent in the State of Ohio and it is the Hearing Officer's recommendation that the evidence presented during the hearing support denial at this time as authorized by ORC Section 3905.14.

/s/Michelle Riske-Morris  
Michelle L. Riske-Morris, Esq. (0059392)  
Hearing Officer