

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

In the Matter of: : JUDITH L. FRENCH
REQUEST FOR MODIFICATION OF : Superintendent/Director
THE REVOCATION OF THE :
INSURANCE AGENT LICENSE OF :
JAIRUS JACKSON :
NPN: 1688321 :
:

FINAL ORDER

After considering the Hearing Officer's written Report and Recommendation, the transcript of testimony, and evidence, and in accordance with Ohio Revised Code ("R.C.") 119.09 and 3905.15, the Ohio Department of Insurance ("Department"), by and through its Superintendent, confirms and approves the recommendation of the Hearing Officer to deny Jairus Jackson ("Jackson") a modification of his October 31, 2016, administrative action, from which his insurance license was revoked.

Jackson was previously licensed by the Department as a resident insurance agent in the State of Ohio. On October 31, 2016, the Department took administrative action and revoked his insurance agent license.

On September 1, 2023, Jackson requested a modification of the administrative action in which the Department revoked his insurance license. In accordance with R.C. 3905.15(A), a hearing to determine whether to modify the administrative action was held on November 21, 2023. Jackson failed to appear at the hearing and was not represented by counsel. The Department was represented by Assistant Attorney General Christie Limbert.

1. In accordance with R.C. 3905.15(B), in order for the Superintendent to consider modifying the administrative action, Jackson must prove, by a preponderance of the evidence, each of the following:

- (1) At least five years have elapsed since the date of the administrative action;
- (2) He is of good business repute and is suitable to be an insurance agent;
- (3) He has made restitution for all pecuniary losses suffered by any person as a result of the conduct that gave rise to the administrative action;
- (4) He has not been convicted of any felony or any misdemeanor described in R.C. 3905.14(B)(7), unless the conviction was the subject of a previous administrative action by the Superintendent;
- (5) The circumstances surrounding his previous violation are such that it is unlikely he would commit such offense in the future; and that
- (6) His character has been rehabilitated.

If the Superintendent finds that Jackson proved each of the six requirements, the Superintendent then has the discretion to modify the administrative action.

2. The burden of proof rested solely with Jackson to prove, by a preponderance of evidence, all of the requirements of R.C. 3905.15(B).

3. Jackson provided no testimonial or documentary evidence as to any of the elements he is required to prove pursuant to R.C. 3905.15(B).

4. The Hearing Officer concluded that by not appearing at the hearing, after proper notice had been given, Jackson failed to prove any of the elements required by R.C. 3905.15.

The Superintendent confirms and approves the findings of facts and conclusions of law of the Hearing Officer contained in the attached Report and Recommendation, which is incorporated into this Final Order by reference. The Hearing Officer recommended the modification be denied. The Superintendent confirms and approves the recommendation.

NOW, THEREFORE, IT IS ORDERED:

For the reasons stated above, Jackson's request to modify the October 31, 2016, administrative action is DENIED.

This Order is effective immediately and is entered into the Journal of the Ohio Department of Insurance.

Signed this 12th day of June, 2024, in Columbus, Ohio.



JUDITH L. FRENCH
Superintendent/Director

NOTICE OF APPELLATE RIGHTS

This Final 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 Final 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 Final Order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The Notice 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 of your receipt of the Department's Final 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.

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In the Matter of:

**JAIRUS JACKSON
NPN: 1688321
MODIFICATION**

**CRAIG R. MAYTON
Attorney Reg. No. 0006283
Hearing Officer**

Case No. LGL-202309-004

Appearances:

**Jairus Jackson,
Requestor**

Attorney General of Ohio

**Christy L. Limbert, Esq.
Assistant Attorney General
Health and Human Services Section
30 E. Broad Street, 26th Floor
Columbus, Ohio 43215**

On behalf of the Ohio Department of Insurance

Also present: Timothy L. Schirmer, Esq. and Cheryl Jeffrey, Ohio Department of Insurance

REPORT AND RECOMMENDATION

REPORT

Statement of the Matter

This matter involves the request of Jairus Jackson for a hearing to determine whether his request for a modification of the October 31, 2016 Order of Revocation of his Ohio

insurance agent license should be granted under R.C. 3905.15. This hearing was held on November 21, 2023.

As set forth below, based on the findings of fact and conclusions of law, it is recommended that the Director of the Ohio Department of Insurance deny the request of Jairus Jackson (“Jackson”) to modify the October 31, 2016 Order which revoked his license as an insurance agent in the State of Ohio.

Statement of Facts

On October 31, 2016, the Department issued an Order of Revocation (Ex. 3) which provides in pertinent part as follows:

After reviewing the Department of Insurance’s records of [Jairus] Jackson’s activities, and considering the factors set forth in section 3905.14(E) of the Revised Code, the Superintendent finds that:

1. Jackson is currently licensed in this state as a resident insurance agent.
2. On or about December 22 and December 23 of 2014, Jackson forged a consumer’s signature on a check drawn from her life insurance policy and deposited the proceeds in his own checking account.
3. Section 3905.14(B)(11) of the Revised Code provides that the Superintendent may revoke the license of any agent forging or causing forgery of any document related to or used in an insurance transaction.
4. On or about January 21, 2016, Jackson was convicted of two counts of Forgery, both felonies.
5. Section 3905.14(B)(6) of the Revised Code provides that the Superintendent may revoke the license of any agent for having been convicted of a felony.
6. On or about September of 2014, Jackson received payment on an insurance policy and converted the money for his own use.
7. On or about August of 2014, Jackson received a refund check from a consumer on an insurance policy and converted the money for his own use.
8. Section 3905.14(B)(4) of the Revised Code provides that the Superintendent may revoke the license of any insurance agent for improperly withholding, misappropriating, or converting any money or property received in the course of doing insurance business.

9. Pursuant to section 3905.14(B)(9) of the Revised Code, the Superintendent may revoke the insurance 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.

IT IS THEREFORE ORDERED that Jackson's license as an insurance agent in the State of Ohio be and hereby is revoked pursuant to the authority granted in section 3905.14(D) of the Revised Code. This revocation shall be effective immediately.

On September 1, 2023, Jackson requested a modification of this Order of Revocation.

The Department introduced four exhibits: (1) Jackson's request for hearing (Ex. 1); (2) Notice of Formal Hearing (Ex. 2); (3) October 31, 2016 Order of Revocation (Ex. 3); and (4) Records from the Lake County Common Pleas Court in the case of *State of Ohio v. Jairus D. Jackson*, Case No. 15-CR-000367 (Ex. 4). These four exhibits were admitted into the record on motion of the Department.

The Notice of Formal Hearing ("Notice") (Ex. 2) in this matter was sent to Jackson at his street address of record and email of record on September 7, 2023. The Notice states that the hearing on Jackson's request for modification was set for November 21, 2023 at 1:30 PM. The Notice also indicates that the hearing would be held remotely through Microsoft Teams. Jackson accepted the Microsoft Teams invitation to the November 21, 2023 1:30 PM hearing. (Tr. 5:15-22).

Despite the Notice, Jackson failed to appear at the hearing set for November 21, 2023 at 1:30 PM. Beginning shortly after 1:30 PM on November 21, 2023, the Department attempted to contact Jackson at two different phone numbers he has used and also emailed him at his email of record to ask whether he intended to participate in the hearing. (Tr. 5:23-6:16). The hearing commenced at 1:46 PM on November 21, 2023. It concluded at 1:54 PM. As of 1:54 PM on November 21, 2023, Jackson had not responded to any of these attempts to reach him. He did not appear at the hearing. There is no indication on the record that Jackson has contacted the Department as of the writing of this Report and Recommendation.

Factual Conclusions

1. On September 7, 2023, a Notice of Formal Hearing was sent to Jackson by U.S. mail at his street address of record and to his email address of record. This Notice set the hearing in this matter for November 21, 2023 at 1:30 PM. The Notice states: "The hearing will be held remotely through Microsoft Teams." Jackson subsequently accepted a Microsoft Teams invitation to the hearing.
2. Without explanation, Jackson failed to appear for the November 21, 2023 1:30 PM hearing of which he was duly notified. Multiple attempts were made to contact him on the date of the hearing.

Legal Standard

Revised Code 3905.15 provides as follows:

(A) Upon written application of a person whose license was denied, suspended, revoked, or surrendered for cause under section 3905.14 of the Revised Code, except for a person whose license was denied for a disqualifying offense pursuant to section 9.79 of the Revised Code, the superintendent of insurance shall hold a hearing to determine whether the administrative action imposing the denial, suspension, revocation, or surrender should be modified, provided that all of the following conditions are met:

- (1)** At least five years have elapsed since the date of the administrative action sought to be modified;
- (2)** At least two years have elapsed since any previous request for a modification was made under this section;
- (3)** The burden of proof is on the person requesting the modification.

(B) The modification of an order issued or consent agreement entered into under section 3905.14 of the Revised Code is at the discretion of the superintendent. The superintendent may modify such an order or agreement if the superintendent finds all of the following:

- (1)** At least five years have elapsed since the date of the administrative action;
- (2)** The person is of good business repute and is suitable to be an insurance agent;
- (3)** The person has made restitution for all pecuniary losses suffered by any person as a result of the conduct that gave rise to the administrative action;
- (4)** The person has not been convicted of any felony or of any misdemeanor described in division (B)(7) of section 3905.14 of the Revised Code unless the conviction was the subject of a previous administrative action by the superintendent;
- (5)** The circumstances surrounding the previous violation are such that it is unlikely the person would commit such offenses in the future;
- (6)** The person's character has been rehabilitated.

Application of Law to Facts

Revised Code 3905.15(A)(3) puts the burden of proof on the person requesting the modification of an order of insurance license revocation. By not appearing at his hearing after proper notification of the hearing, Jackson adduced no evidence on his behalf and thus failed to meet his burden of proof. The Department met its obligation under the law to notify Mr. Jackson of the November 21, 2023 1:30 PM hearing.

Conclusions of Law

Jackson failed to meet his burden of proof required by 3905.15(A)(3) to demonstrate that his requested modification of his October 31, 2016 Ohio insurance agent license revocation be granted.

RECOMMENDATION

The Department appointed this Hearing Officer to take evidence, weigh the facts adduced at hearing, and apply the Ohio Revised Code and applicable case law to determine if Jackson's request for modification of the revocation of his resident insurance agent in Ohio.

Having concluded that Jackson did not sustain his burden of proof to demonstrate that the October 16, 2023 revocation of his license should be modified, it is recommended that the Department deny Jackson's September 1, 2023 request that the revocation of his license to serve as a resident insurance agent in Ohio be modified.

WRITTEN OBJECTIONS

Jairus Jackson may, within ten days of the receipt of a copy of this Report and Recommendation, file with the Ohio Department of Insurance written objections to this Report and Recommendation. Such objections will be considered by the Ohio Department of Insurance before approving, modifying, or disapproving the Recommendation contained herein.

Craig R. Mayton /s/

December 6, 2023

Craig R. Mayton (0006283)
Hearing Officer