

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

IN THE MATTER OF:	:	
ELISHA SILLS	:	
NPN: 18803549	:	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 conclusions of law, findings of fact, and recommendation to revoke Elisha Sills resident insurance agent license, as stated in the Report and Recommendation of the Hearing Officer.

Elisha Sills ("Sills") is licensed as a resident insurance agent in the State of Ohio. The Department issued Sills a Notice of Opportunity for Hearing dated March 27, 2024 ("Notice"), after it received a complaint regarding his activities and investigated the issues raised in that complaint. The Notice stated that the Department intended to suspend, revoke, or refuse to issue or renew Sills's 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)(18), described therein. The Notice informed Sills of his right to request a hearing on the proposed action. Sills timely requested a hearing.

A hearing was held on July 23, 2024. Sills appeared pro se. Senior Assistant Attorney General Christie Limbert represented the Department. During the hearing, the Department admitted nine exhibits into the record. Sills admitted twenty-five exhibits into the record.

On September 3, 2024, 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. The Hearing Officer recommended that, after considering the factors contained in 3905.14(F), Sills sanction should be the revocation of his Ohio insurance producer license.

Pursuant to R.C. 119.07 and 3905.14(D), the Hearing Officer's Report and Recommendation was served on Sills. Sills did file objections to the Report and Recommendation, objecting to the recommended sanction contained therein. The Superintendent did not find the objections persuasive.


The record demonstrates and the Hearing Officer found that the Department sustained its burden of proof by a preponderance of the evidence on violations of 3905.14(B) described in the Notice and that Sills failed to rebut the evidence presented on that violation. The Hearing Officer recommended that the Department revoke Sills' resident insurance agent license based on the violation 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.

THEREFORE, IT IS ORDERED:

Pursuant to the authority in R.C. 3905.14(E)(1) and (2), the Department hereby REVOKES Sills' Ohio resident insurance producer license.

This Final Order is effective immediately, signed this 13th day of March, 2025.


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 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 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.

**STATE OF OHIO
DEPARTMENT OF INSURANCE**

In the Matter of:	:	Case No. LGL-202402-010
	:	
ELISHA SILLS	:	Michelle L. Riske-Morris, Esq.
NPN: 18803549	:	Hearing Officer
TO BE LICENSED AS A	:	
RESIDENT INSURANCE AGENT	:	

**ADMINISTRATIVE HEARING OFFICER'S
REPORT AND RECOMMENDATION
Issued September 3, 2024**

I. FINDINGS OF FACT

A. Background

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 Tuesday, July 23, 2024 remotely via Microsoft Teams. The purpose of the hearing was in regard to the ODI Superintendent’s intention to suspend, revoke, or refuse to renew Elisha Sills’s license as an insurance agent in the State of Ohio pursuant to Ohio Revised Code Section 3905.14(E) and (G).

The hearing was held pursuant to a Notice of Opportunity for Hearing issued on March 27, 2024 by the ODI. The grounds for such action are based on the following:

COUNT ONE

On or about October 17, 2023, Sills was convicted in case number 32D02-2210-F6-000890 of misdemeanor theft in Hendricks County, Indiana.

R.C. 3905.14(B)(7) provides that the Superintendent may suspend, revoke, or refuse to issue a license for an 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 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.

Lindsay Miller Schlie, an Assistant Attorney General with the Executive Agencies Section of the Ohio Attorney General's Office, represented ODI. Mr. Sills did not appear for the hearing and submitted documentary evidence in lieu of his appearance. Denisa Hodzic, an Insurance Complaint Analyst Supervisor with ODI, testified on behalf of ODI. Also present was Cheryl Jeffrey, Administrator for the Ohio Department of Insurance.

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. State's Exhibit 1 thru 6, including 6A, 6B, 6C, 6D, 6E and 6F, were introduced and admitted into the record after the close of ODI's case-in-chief, copies of which are attached and fully incorporated herein. Mr. Sills Exhibits A thru E were introduced and admitted into the record, copies of which are attached and fully incorporated herein. The hearing was recorded by Jillian Reedy, Professional Reporter for Armstrong and Okey, Inc.

B. Jurisdiction and Procedural Matters

1. This case is the result of an action by the Superintendent of ODI.
2. On March 27, 2024, ODI sent Elisha Sills a Notice of Opportunity for Hearing (State's Exhibit 1, pgs. 1 thru 3). The grounds for such action are based on the following:

COUNT ONE

On or about October 17, 2023, Sills was convicted in case number 32D02-2210-F6-000890 of misdemeanor theft in Hendricks County, Indiana.

R.C. 3905.14(B)(7) provides that the Superintendent may suspend, revoke, or refuse to issue a license for an 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 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.

3. The Notice of Opportunity for Hearing was sent by certified mail on March 27, 2024 to Mr. Sills and left with an individual at the mailing address on March 30, 2024. (State's Exhibit 1, pgs. 4-7).

4. On or about April 26, 2024 Mr. Sills requested a hearing (State's Exhibit 2, pgs. 1-2).
5. The Hearing Scheduling Notification was sent to Mr. Sills on April 30, 2024 and the hearing was scheduled for July 23, 2024 remotely via Microsoft Teams (State's Exhibit 3, pgs. 1-3).
6. On July 22, 2024 Mr. Sills sent an email to ODI stating that he would not be present for the hearing and provided copies of his exhibits and a personal statement regarding the incident referenced in the NOH (Sill's Exhibit A, pgs. 1-2).

C. Respondent's Activities

1. Mr. Sills has been licensed as an insurance agent with the ODI since June 2, 2018. Mr. Sills holds a resident insurance license with lines for Accident & Health and Life (State's Exhibit 4).
2. On or about December 29, 2023 Mr. Sills submitted his insurance resident license renewal application through NIPR (State's Exhibit 5).
3. In the NIPR application under the section, Background Questions, Question 1A, Mr. Sills responded "Yes" to a question that asked if he had been "convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor, which has not been previously reported to this insurance department?" (State's Exhibit 5, pg. 1). In the application Mr. Sills indicated he received a misdemeanor in Indiana in 2021 (State's Exhibit 5, pg. 5)
4. The case giving rise to misdemeanor involved a criminal matter, Case No. 32D02-2210-F6-0008890 in the Hendricks County Court, Indiana (State's Exhibit 6F, pgs. 1-6). Mr. Sills was indicted on October 20, 2022 for theft in the amount of \$34,325.82, a Felony 6 and fraud, a Felony 6, for actions occurring on or about August 5, 2021 (State's Exhibit 6B).
5. On October 17, 2023 Mr. Sills entered into a plea agreement in Case 32D-02-2210-F6-00890, Hendricks County Court, Indiana, entering a plea of guilty to one count of theft, a Felony 6, entered as a class A misdemeanor per Alternative Misdemeanor Sentencing (State's Exhibit 6D, pgs. 1-2 & Sill's Exhibit D, pg. 1).
6. On October 17, 2033 Mr. Sills was convicted of theft, alternate Class A misdemeanor. Mr. Sills was ordered to pay court costs and placed on probation for approximately one year with a suspended prison sentence. Mr. Sills was also required to pay restitution to

the victim in the amount of \$26,633.17 (State's Exhibit 6A, pg. 1, State's Exhibit 6E, Sill's Exhibit B, pg. 1 & Sill's Exhibit C, pg. 1).

7. Per the court docket for Case 32D-02-2210-F6-00890, Hendricks County Court, Indiana, it indicated that the total charges in the case was \$27,193.17 and Mr. Sills is credited with \$27,000.00 leaving a balance owed as of January 10, 2024 of \$193.17 (State's Exhibit 6F, pg. 6).
8. On April 17, 2024 Mr. Sills completed a STOP Lifting Course through the Hendricks County Probation Department (Sills' Exhibit E, pg. 1).

II. CONCLUSIONS OF LAW

A. Jurisdiction

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

B. Compliance with Laws

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 Mr. Sills. Denisa Hodzic, is an Investigator with the Ohio Department of Insurance, Fraud and Enforcement Division. She has been with the Department for over a year. Prior to that time, she was a manager at a firearms and range facility which required her to conduct background checks, facilitate gun transactions and work with ATF. As an investigator she gathers information regarding allegations of misconduct which involve insurance agents and agencies who may be in violation of Ohio insurance law (Recorded testimony of Denisa Hodzic, Transcript 9:3-25 & 10:1-20).
3. When renewing their license, insurance agents will submit a renewal application through the NIPR Warehouse (Recorded testimony of Denisa Hodzic, Transcript 11:14-22). The investigation by ODI was initiated when Mr. Sills submitted his renewal application wherein, he disclosed a misdemeanor conviction of theft (Recorded testimony of Denisa Hodzic, Transcript 13:23-25 & State's Exhibit 5).
4. In the NIPR application under the section, Background Questions, Question 1A, Mr. Sills responded "Yes" to a question that asked if he had been "convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor, which has not been previously reported to this insurance department?"

(State's Exhibit 5, pg. 1). As part of his application Mr. Sills also uploaded court records from the criminal conviction and a statement (Recorded testimony of Denisa Hodzic, Transcript 16:5-14). In his statement Mr. Sills indicated his friend got him involved in a scam he was not aware of, and he was charged in Indiana with felony fraud and theft wherein he received a misdemeanor and paid restitution (State's Exhibit 5, pg. 4).

5. As part of their investigation ODI reviewed the Probable Cause Affidavit submitted as part of the criminal court records. Per the probable cause affidavit and arrest warrant filed by law enforcement in the criminal case involving Mr. Sills, it noted the alleged facts and circumstances giving rise to the criminal case which involved an email scam wherein an individual or company's email was hacked and a 'spoofed' email was sent giving instructions for money owed for services to be sent via wire transfer. Although paying for services received, the individuals or companies were sending the money to another company which was not affiliated with the service providers. In one case that occurred in the State of Indiana and was the subject of the criminal case involving Mr. Sills, an individual's email was hacked, and he wired funds in the amount of \$34,325.82 to a bank account owned by Mr. Sills for Sills Partners LLC. The individual thought he was sending funds to the business that had performed work for him, not Mr. Sills. The police suspected these fraudulent schemes by Mr. Sills involved several individuals and businesses in multiple states and countries. The affidavit noted several transactions involving more than one bank account opened by Mr. Sill and several deposits from companies including another company that also indicated they had been defrauded (State's Exhibit 6C, pgs. 1-4 & Recorded testimony of Denisa Hodzic, Transcript 18: 10-25).
6. Mr. Sills entered into a plea agreement wherein he plead guilty to a misdemeanor (State's Exhibit 6D, pgs. 1-2 & Sill's Exhibit D, pg. 1).
7. With respect to Count One in the Notice of Opportunity for Hearing, Ohio Revised Code 3905.14(B)(7) provides that the Superintendent may suspend, revoke, or refuse to issue a license for an 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 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 (ORC Section 3905.14(B) (7)).
8. This Hearing Officer finds that the ODI is within its authority to suspend, revoke, or refuse to issue or renew any insurance license for Mr. Sills pursuant to Ohio Revised Code Section 3905.14(B)(7). The ODI provided reliable, probative and sufficient evidence that Mr. Sills was convicted of a misdemeanor involving theft of money. Accordingly, the ODI has sustained its burden of proof with regard to Count One set forth in the Notice of Opportunity for Hearing.

7. Upon finding that a violation occurred, the Superintendent may take action including, but not limited, to suspending the person's license, permanently revoking their license or refusing to issue or renew their license (Ohio Rev. Code Section 3905.14(E)).
8. The issue at hand is the recommended sanction Mr. Sills should receive regarding his actions. The ODI argues that revocation is the appropriate disposition given the circumstances of the matter. Pursuant to ORC Section 3905.14(F), the Superintendent may consider the following factors when imposing suspensions, revocations, fines, or other penalties, and issuing orders under this section:
 - (1) Whether the person acted in good faith;
 - (2) Whether the person made restitution for any pecuniary losses suffered by other persons as a result of the person's actions;
 - (3) The actual harm or potential for harm to others;
 - (4) The degree of trust placed in the person by, and the vulnerability of, persons who were or could have been adversely affected by the person's actions;
 - (5) Whether the person was the subject of any previous administrative actions by the superintendent;
 - (6) The number of individuals adversely affected by the person's acts or omissions;
 - (7) Whether the person voluntarily reported the violation, and the extent of the person's cooperation and acceptance of responsibility;
 - (8) Whether the person obstructed or impeded, or attempted to obstruct or impede, the superintendent's investigation;
 - (9) The person's efforts to conceal the misconduct;
 - (10) Remedial efforts to prevent future violations;
 - (11) If the person was convicted of a criminal offense, the nature of the offense, whether the conviction was based on acts or omissions taken under any professional license, whether the offense involved the breach of a fiduciary duty, the amount of time that has passed, and the person's activities subsequent to the conviction;
 - (12) Such other factors as the superintendent determines to be appropriate under the circumstances (Ohio Rev. Code Section 3905.14(F)).
9. Mr. Sills did not make an appearance at the hearing although duly notified. In lieu of his appearance Mr. Sills provided a summary statement: "In August 2021, I got involved in a scam that is similar to the online scams that we come across. This was with people I actually knew in person. I was asked to help send money to their family in Nigeria. I accepted. Money would be sent to me from them and I would send it to people who could get it to Nigeria. Turns out, the money that was sent to me was stolen using some kind of hacked email scheme. I had no knowledge of the email scheme. Charges were brought to me in October 2022, and the case was settled in October 2023. I received a misdemeanor with a year of probation that includes completing a theft class, which I have completed. Full restitution was paid before my sentencing, all from my pocket." There was no opportunity to cross-examination Mr. Sills regarding the events leading up to the conviction and to gain a better understanding of what occurred.

10. Although this appears to be the first administrative action involving Mr. Sills the nature of the offense giving rise to the criminal conviction and harm caused to others is substantial. While Mr. Sims did make restitution to the victim in the criminal case, the seriousness of the offense should not be overlooked. It is also important to note that Mr. Sills rendition of events differs substantially from the facts set for in the sworn statement from law enforcement included within the Probable Cause Affidavit. As Mr. Sills did not appear for the hearing he could not be questioned regarding the facts and circumstances of the case. In the Affidavit summarizing the investigation, the only individual mentioned is Mr. Sills and it further indicates that this was an intentional act to defraud individuals of their money, sizeable amounts. The bank accounts associated with the fraud were that of Mr. Sills and no other criminal defendants were noted. It also referenced that there were other transfers of money to the bank accounts of Mr. Sills in addition to the one part of the court case in Indiana. This was not a single event as indicated in Mr. Sills' statement. With respect to the criminal conviction, the individual defrauded was from Indiana and it was noted that there were likely other individuals also scammed from other states and countries. Mr. Sills also does not accept responsibility for his actions. Rather he indicates he was the subject of a scam, himself, but the court records submitted into evidence do not support this assertion.
11. Evaluating the factors set forth in ORC Section 3905.14(F), it is the recommendation that a revocation is the appropriate sanction for the violation committed by Mr. Sills as it relates to his insurance license.

RECOMMENDATION

In Case 202402-010, In the Matter of Elisha Sills, based upon the evidence submitted into the record, ODI was within its authority to refuse to issue Mr. Sills a license as a resident insurance agent in the State of Ohio and/or can impose any other sanction authorized by ORC Section 3905.14(E). Considering the twelve factors outlined in Ohio Revised Code Section 3905.14(F) it is this Hearing Officer's recommendation that revocation is the appropriate disciplinary action.

Dated: September 3, 2024

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