

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 13514-AG15-1212-212

IN THE MATTER OF: )  
 )  
Brendan Daly, )  
 )  
Producer / Respondent. )  
 )  
License No.: 999810 )  
 )  
42 Press Ave. )  
 )  
Norwood, MA 02062 )  
 )  
Type of Action: Enforcement )

**FILED**

AUG 07 2015

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

On June 15, 2015, the Administrative Law Judge, Rueben B. Hill, filed his Default Order in the above-captioned matter.

1. The Department served the Default Order on Respondent by mailing the same to his home address of record.

2. The Department has complied with the notice requirements of Ind. Code §4-21.5-3-17.

3. Neither party has filed an objection with the Commissioner regarding the Administrative Law Judge's Default Order, and more than eighteen (18) days have elapsed.

Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Default Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Respondent's Producer Insurance License Number: 999810 is permanently revoked.

2. Respondent is to pay a civil penalty in the amount of Five Hundred Dollars (\$500.00) within ninety (90) days.

ALL OF WHICH IS ORDERED by the Commissioner this 7 day of August, 2015.

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Copies to:

Brendan Daly  
42 Press Ave.  
Norwood, MA 02062

Joshua Harrison  
Indiana Department of Insurance  
Enforcement Division  
311 West Washington Street, Suite 103  
Indianapolis, IN 46204-2787

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CAUSE NUMBER: 13514-AG14-1212-212

IN THE MATTER OF: )

Brendan Daly )  
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License No. 999810 )

Respondent. )

**FILED**

APR 23 2015

STATE OF INDIANA  
DEPT. OF INSURANCE

**ADMINISTRATIVE COMPLAINT**

The Enforcement Division of the Indiana Department of Insurance (“Department”), pursuant to Ind. Code §§ 4-21.5-1 and 27-1-15.6 *et seq.*, files its Administrative Complaint against Brendon Daly (“Respondent”), a non-resident insurance producer licensed in the State of Indiana, as follows:

**FACTS**

1. On September 30, 2014, Respondent submitted the Uniform Application for Individual Producer License/Registration (the “Application”) to the Department. The application, promulgated by the National Association of Insurance Commissioners (“NAIC”) and used as the basis for licensure in the State of Indiana, includes a list of questions to be answered by the Respondent.
2. Question two of the Application asks if the Respondent had ever been convicted of a crime, had a judgment withheld or deferred, or currently charged with committing a crime.
3. Question two states that “crime” includes a misdemeanor, felony, or a military offense. Question two further clarifies that “convicted” includes but is not limited to having been found guilty, having entered a plea of guilty or nolo contendere or no contest.

4. Respondent answered "No" to question two.
5. Based upon the responses in the application, Respondent was granted a non-resident producer's license under producer number 999810.
6. Subsequent to the granting of the license, the Department discovered that Respondent had been convicted of a felony for Possession of False Identification on November 26, 1991.
7. Respondent failed to acknowledge this conviction on the 2014 Application.
8. On December 18, 2014, the State of Louisiana initiated an action for failure to make required disclosure on the license application.
9. Respondent failed to notify the Department of this other state action.
10. Indiana Code 27-1-15.6-12(b) states that the Commissioner of the Indiana Department of Insurance, (the "Commissioner"), may levy a civil penalty and/or permanently revoke an insurance producer's license for any of an enumerated list of factors.
11. Specifically listed as a basis for administrative action under Indiana Code 27-1-15.6-12(b)(1) is providing incorrect, misleading, incomplete, or materially untrue information in a license application.
12. Additionally, Indiana Code 27-1-15.6-12(b)(9) states that having an insurance producer's license, or its equivalent, denied, suspended, or revoked in any other state is also grounds for administrative action.
13. Indiana Code 27-1-15.6-17(a) requires that a producer report any administrative action taken against the producer in another jurisdiction to the Commissioner within thirty (30) days of the final disposition in the matter.

**CHARGES**

**COUNT I**

14. Respondent failed to report his prior criminal convictions in the state of Massachusetts on his 2014 Application.
15. Respondent's conduct is in violation of Indiana Code § 27-1-15.6-12(b)(1).

**COUNT II**

16. Respondent was fined in the state of Louisiana on December 18, 2014 for Failure to Make Required Disclosure on License Application.
17. Respondent's conduct is subject to action under Indiana Codes § 27-1-15.6-12(b)(9).

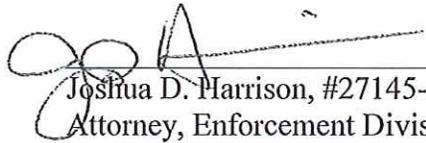
**COUNT III**

18. Respondent failed to report his Louisiana license adjudication to the Department within the thirty (30) days as required by law.
19. Respondent's conduct is in violation of Indiana Code § 27-1-15.6-17(a).
20. Indiana Code 27-1-15.6-12(f) states that in addition to denial, suspension, or revocation, the Commissioner may impose a civil penalty up to ten thousand dollars (\$10,000.00) for violation of Indiana Code 27-1-15.6-12.

**WHEREFORE**, the Enforcement Division of the Indiana Department of Insurance, by counsel, Joshua D. Harrison, requests that the Commissioner issue an order that states:

- (1) Respondent's non-resident producer's license is permanently revoked;
  - (2) Respondent shall pay a civil penalty in the amount of one thousand dollars (\$1,000.00);
- and all other relief necessary and proper upon the premise.

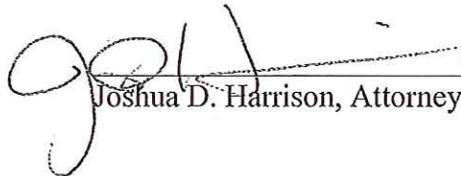
Respectfully submitted,

  
Joshua D. Harrison, #27145-49  
Attorney, Enforcement Division

Indiana Department of Insurance  
311 West Washington Street, Suite 103  
Indianapolis, IN 46204-2787  
Phone: (317) 232-2422  
Facsimile: (317) 234-2103

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing has been served upon the following Respondent by United States first class mail, postage prepaid, this 23 day of April, 2015.

  
Joshua D. Harrison, Attorney

Brendan Daly  
42 Press Ave  
Norwood, MA 02062