

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER of INSURANCE
CAUSE NO.: 17497-AG18-0814-133

IN THE MATTER OF:)
)
Daniel Copeland, Jr.)
11620 E. Sahuaro Dr. Apt 2107)
Scottsdale, AZ 85259-3173)
)
Respondent.)
)
License Number: 3285914)
)
Type of Agency Action: Enforcement)

FILED

JUN 07 2019

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On April 17, 2019, the Administrative Law Judge, Reuben B. Hill, filed his Findings of Fact, Conclusions of Law and Recommended Order in the above-captioned matter.

1. The Department served Findings of Fact, Conclusions of law, and Recommended Order on Respondent by mailing the same to his 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 Findings of Fact, Conclusions of Law and Recommended 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 Findings of Fact, Conclusions of Law, and Recommended Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Respondent's nonresident producer's license #3285914 is permanently revoked.

Under Ind. Code §4-21.5-5-5, Applicant has the right to appeal this Final Order by filing a petition for Judicial review in the appropriate court within thirty (30) days.

ALL OF WHICH IS ORDERED by the Commissioner this 7 day of ~~May~~ ^{June}, 2019.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Daniel Copeland, Jr.
2231 E. Camelback Rd., Ste. 300
Phoenix, AZ 85016

Erica Dobbs, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204

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APR 17 2019

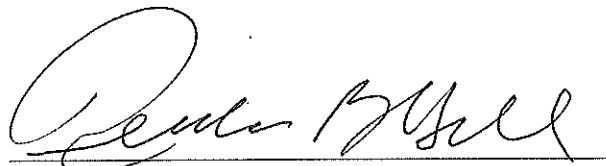
STATE OF INDIANA
DEPT. OF INSURANCE

NOTICE OF FILING OF RECOMMENDED ORDER

The parties of this action are hereby notified that the Administrative Law Judge's Recommended Order is filed as of this date.

To preserve an objection to this order for judicial review, the Parties must object to the order in a writing that: 1) Identifies the basis for the objection with reasonable particularity; and 2) Is filed with the ultimate authority for the Final Order, the Commissioner of the Department of Insurance within eighteen (18) days from the date of this Order.

DATED: April 17, 2019



Reuben B. Hill
Administrative Law Judge

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

IN THE MATTER OF:)
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Daniel Copeland, Jr.)
11620 E. Sahuaro Dr. Apt. 2107)
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Respondent)
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Type of Agency Action: Enforcement)
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Application ID: 3285914)

CAUSE NO.: 17497-AG18-0814-133

FILED

APR 17 2019

STATE OF INDIANA
DEPT. OF INSURANCE

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND RECOMMENDED ORDER**

Administrative Law Judge Reuben B. Hill (“ALJ”), having heard, reviewed and considered all of the evidence, will now render a decision concerning the matter of Daniel Copeland Jr. (“Respondent”). This matter came on to be heard by the ALJ on February 27, 2019 at 11:00 a.m. at the Indiana Department of Insurance at 311 West Washington Street, Indianapolis, Indiana.

The Enforcement Division of the Indiana Department of Insurance (“Department”) was represented by counsel, Erica J. Dobbs. Respondent failed to appear. Testimony was heard, and exhibits were received into evidence.

Based upon the evidence presented at said hearing, the ALJ now makes the following Findings of Fact, Conclusions of Law, and issues his Recommended Default Order.

FINDINGS OF FACT

1. Respondent has been a licensed Non-Resident Insurance Producer since October 23, 2017.
2. Respondent was previously disciplined by the Department under this cause number for providing incorrect, misleading, incomplete, or materially untrue information in a license application for failing to disclose a prior felony conviction on a license application.
(Department's Exhibits 1 and 4)
3. On his original license application, Respondent answered "no" to the question that asks, "Have you ever been convicted of a felony?" (Department's Exhibit 1)
4. Respondent later notified the Department on July 26, 2018 that he had been convicted of Operating While Under the Influence of Alcohol or a Drug, Third Offense, on March 13, 1996 in the State of Iowa. (Department's Exhibits 2 and 3)
5. Respondent entered an Agreed Entry to resolve this violation of Indiana Code, agreeing to pay a civil penalty of Two Hundred Fifty Dollars (\$250) within thirty (30) days of the Commissioner's Final Order adopting the Agreed Entry. (Department's Exhibit 4)
6. The Final Order was entered on December 7, 2018, thereby obligating Respondent to pay the civil penalty no later than January 7, 2019. (Department's Exhibit 4)
7. The Agreed Entry signed by Respondent and adopted by the Commissioner also placed Respondent on probation for two (2) years beginning the date of the Final Order, and duly notified Respondent that any violations of Title 27 of the Indiana Code during the

3. Indiana Code 27-1-15.6-12(b) states, in part, that the Commissioner may permanently revoke an Insurance Producer License, due to a number of factors.
4. Indiana Code 27-1-15.6-12(b)(2)(D) authorizes the Commissioner to permanently revoke an Insurance Producer License for violating an order of an insurance commissioner.
5. Respondent violated the December 7, 2018, order of the Commissioner by failing to pay the previously agreed upon civil penalty within thirty (30) days.
6. Further, the purpose of the civil penalty ordered December 7, 2018, was to resolve Respondent's earlier violation of Indiana Code 27-1-15.6-12(b)(1), for failing to disclose his criminal history on his October 19, 2017 licensing application.
7. Respondent's failure to abide by the Commissioners December 7, 2018, Order results in the earlier violation of Indiana Code 27-1-15.6-12(b)(1) remaining unresolved.
8. Indiana Code 27-1-15.6-12(b)(1) authorizes the Commissioner to permanently revoke and Insurance Producer License for providing incorrect, misleading, incomplete, or materially untrue information in a license application.
9. Finally, the criminal history that Respondent failed to disclose is a felony conviction.
10. Indiana Code 27-1-15.6-12(b)(6) authorizes the Commissioner to permanently revoke a Producer License for having been convicted of a felony.
11. Indiana Code 4-21.5-3-14 (c)states that the person requesting an agency take action has the burden of persuasion and the burden of going forward. The Department is requesting that the Commissioner permanently revoke Respondent's Non-Resident Producer License.

12. The Department has met its burden of showing Respondent violated Indiana Code 27-1-15.6-12(b)(2)(D), 27-1-15.6-12(b)(1) and 27-1-15.6-12(b)(6), and that Respondent's Non-Resident Producer License should be revoked.
13. Findings of Fact that can be adopted as Conclusions of Law are hereby incorporated herein as such.

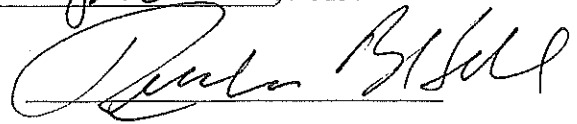
RECOMMENDED DEFAULT ORDER

IT IS THEREFORE RECOMMENDED:

In consideration of the foregoing Findings of Fact and the Conclusions of Law as stated, the Administrative Law Judge now recommends to the **Commissioner of Insurance** the following:

1. That Respondent's Non-Resident Producer License #3285914 should be permanently revoked, effective the date the Final Order is issued.
2. Indiana Code 4-21.5-3-24 states, in part, that if a party fails to attend or participate in a hearing, the administrative law judge may serve upon all parties written notice of a Proposed Default Order, including a statement of the grounds. Within seven (7) days after service of a Proposed Default Order, Respondent may file a written motion requesting the Proposed Default Order not be imposed and stating the grounds relied upon.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the
Commissioner of Insurance this 17th day of April, 2019.



Reuben B. Hill, Esq.
Administrative Law Judge

Distribution:

Daniel Copeland Jr.
2231 E. Camelback Rd., Ste. 300
Phoenix, AZ 85016

Erica J. Dobbs, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, Indiana 46204

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER of INSURANCE

CAUSE NO.: 17497-AG18-0814-133

IN THE MATTER OF:)

Daniel Copeland, Jr.)
11620 E. Sahuaro Dr. Apt 2107)
Scottsdale, AZ 85259-3173)

Respondent.)

License Number: 3285914)

Type of Agency Action: Enforcement)

FILED

FEB 07 2019

STATE OF INDIANA
DEPT. OF INSURANCE

STATEMENT OF CHARGES

The Enforcement Division of the Indiana Department of Insurance (“Department”), by counsel, Erica J. Dobbs, pursuant to the Indiana Administrative Orders and Procedures Act, Indiana Code § 4-21.5 *et seq.* and Indiana Code § 27-1-15.6-12, files its Statement of Charges against Daniel Copeland, Jr. (“Respondent”), as follows:

FACTS

1. Respondent is a licensed nonresident insurance producer, holding license number 3285914.
2. Respondent applied for and received a nonresident producer license on October 23, 2017.
3. On said application, Respondent failed to disclose a felony conviction from 1995.
4. The Department discovered the omission when Respondent disclosed the conviction on a subsequent application to add a qualification to his licensure, submitted on July 26, 2018.
5. To resolve this violation of Indiana Code, Respondent signed an Agreed Entry on November 3, 2018, in which he agreed to pay a two hundred fifty dollar (\$250) civil penalty and be placed on probation for two (2) years, during which time any violations of

Title 27 of the Indiana Code would result in the Department seeking immediate revocation of Respondent's license.

6. The Commissioner of the Indiana Department of Insurance ("Commissioner") entered a Final Order adopting the Agreed Entry on December 7, 2018 thus beginning the two (2) year probationary period and requiring the two hundred fifty dollar (\$250) civil penalty to be paid within thirty (30) days.
7. Respondent failed to submit the two hundred fifty dollar (\$250) civil penalty within the thirty (30) day allotted time period.
8. On January 9, 2019, Respondent stated to the Department via email that he will not pay the civil penalty.
9. The Agreed Entry contemplates that Respondent's compliance with its terms constitutes full satisfaction of matter.
10. Respondent's failure to comply with the terms of the Agreed Entry renders the matter unresolved.

CHARGES

COUNT I

1. Averments 1 through 5 and 9 through 10 are incorporated fully herein by reference.
2. Respondent's conduct is a violation of Indiana Code § 27-1-15.6-12(b)(1), which states, in part, that the Commissioner may permanently revoke an insurance producer's license for providing incorrect, misleading, incomplete, or materially untrue information in a license application.

COUNT II

1. Averments 1 through 4 are incorporated fully herein by reference.
2. Respondent's conduct is a violation of Indiana Code § 27-1-15.6-12(b)(6), which states, in part, that the Commissioner may permanently revoke an insurance producer's license for having been convicted of a felony.


COUNT III

1. Averments 1 through 8 are incorporated fully herein by reference.
2. Respondent's conduct is a violation of Indiana Code § 27-1-15.6-12(b)(2)(D), which states, in part, that the Commissioner may permanently revoke an insurance producer's license for violating an order of an insurance commissioner of Indiana or of another state.

WHEREFORE, the Enforcement Division of the Indiana Department of Insurance, by counsel, Erica J. Dobbs, respectfully requests that the Commissioner set this matter for a hearing pursuant to Indiana Code § 4-21.5 and:

1. Issue an order permanently revoking Respondent's insurance producer's license; and
2. All other relief just and proper upon the premises.

Respectfully submitted,



Erica J. Dobbs, Attorney #30588-49
Enforcement Division

Indiana Department of Insurance
Enforcement Division
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204-2787
Telephone: (317) 234-5887
Facsimile: (317) 232-5251

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, the same day as filing.

Daniel Copeland Jr.
11620 E. Sahuaro Dr. Apt 2107
Scottsdale, AZ 85259-3173


Erica J. Dobbs, Attorney # 30588-49
Attorney, Enforcement Division

STATE OF INDIANA)
) SS:
 COUNTY OF MARION)
 IN THE MATTER OF:)
 Daniel Copeland, Jr.)
 2231 E. Camelback Rd. Ste. 300)
 Phoenix, AZ 85016)
 Respondent.)
 Type of Agency Action: Enforcement)
 License Number: 3285914)

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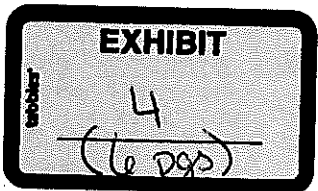
FILED
 DEC 07 2018
 STATE OF INDIANA
 DEPT. OF INSURANCE

FINAL ORDER

The Indiana Department of Insurance (“Department”) by counsel, Erica J. Dobbs, and Daniel Copeland, Jr. (“Respondent”), signed an Agreed Entry which purports to resolve all issues involved in the above-captioned cause number, and which has been submitted to the Commissioner of the Indiana Department of Insurance (“Commissioner”) for approval.

The Commissioner, after reviewing the Agreed Entry, which places Respondent on probation for two (2) years and imposes a civil penalty of two hundred fifty dollars (\$250) for failing to disclose a 1995 Felony Driving Under the Influence conviction on his 2017 application for nonresident producer licensure, finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between the parties. The Commissioner hereby incorporates the Agreed Entry, as if fully set forth herein, and approves and adopts in full the Agreed Entry as a resolution of this matter.

IT IS THEREFORE ORDERED by the Commissioner:



1. Respondent shall be placed on probation for two (2) years beginning the date this Final Order is entered.
2. During the probationary period, any violations of Title 27 of the Indiana Code will result in the Department seeking immediate revocation of Respondent's license.
3. Respondent shall pay a civil penalty of two hundred fifty dollars (\$250) within thirty (30) days of the date this Final Order is entered.

ALL OF WHICH IS ORDERED this 7 day of December, 2018.



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Erica J. Dobbs, Attorney
ATTN: Phil Holleman
INDIANA DEPARTMENT OF INSURANCE
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204-2787

Daniel Copeland, Jr.
2231 E. Camelback Rd. Ste. 300
Phoenix, AZ 85016

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 17497-AG18-0814-133

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)
Daniel Copeland, Jr.)
2231 E. Camelback Rd. Ste. 300)
Phoenix, AZ 85016)
Respondent.)
Type of Agency Action: Enforcement)
License Number: 3285914)

FILED

DEC 07 2018

STATE OF INDIANA
DEPT. OF INSURANCE

AGREED ENTRY

This Agreed Entry is executed by and between the Enforcement Division of the Indiana Department of Insurance ("Department"), by counsel, Erica J. Dobbs, and Daniel Copeland, Jr. ("Respondent"), to resolve all issues in the above-captioned cause number. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Commissioner of the Indiana Department of Insurance ("Commissioner").

WHEREAS, Respondent's home state is Arizona;

WHEREAS, Respondent seeks to add a qualification to a nonresident producer license, with application number 663268;

WHEREAS, on said applicant, Respondent disclosed a felony conviction for Driving Under the Influence from 1995;

WHEREAS, Respondent failed to disclose said conviction on his October 19, 2017 application for nonresident producer's licensure;

WHEREAS, Indiana Code § 27-1-15.6-12(b)(1) states, in part, that the Commissioner may levy a civil penalty and place an insurance producer on probation for providing incorrect, misleading, incomplete, or materially untrue information in a license application;


WHEREAS, the Department and Respondent (collectively, the "Parties") desire to resolve this matter without the necessity of a hearing.

IT IS, THEREFORE, NOW AGREED by and between the Parties as follows:

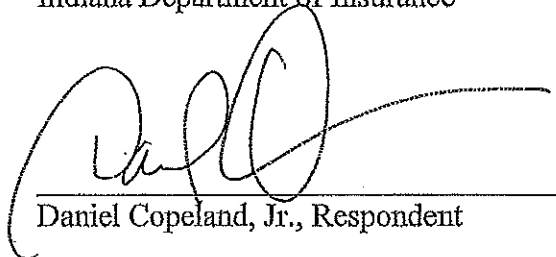
1. The Commissioner has jurisdiction over the subject matter and the Parties to this Agreed Entry.
2. This Agreed Entry is executed voluntarily by the Parties.
3. Respondent voluntarily and freely waives the right to a public hearing on the issues in this matter.
4. Respondent voluntarily and freely waives the right to judicial review of this matter.
5. Respondent's request to add a qualification to his licensure shall be granted and Respondent shall be placed on probation for two (2) years, during which time any violations of Title 27 of the Indiana Code will result in the Department seeking immediate revocation of Respondent's license.
6. Respondent shall pay a civil penalty of two hundred fifty dollars (\$250.00) within thirty (30) days of the Commissioner's Final Order accepting this agreed entry.
7. Should additional violations manifest, further administrative actions will be taken for the new violation(s).
8. The Department agrees to accept Respondent's compliance with this agreement as full satisfaction of this matter.

9. Respondent has carefully read and examined this agreement and fully understands its terms.
10. Respondent has entered into this agreement freely, and has not been subject to duress, threat or undue influence.
11. Should this Agreed Entry not be accepted by the Commissioner, it is agreed that presentation to and consideration of this Agreed Entry by the Commissioner shall not unfairly or illegally prejudice the Commissioner from further participation in or resolution of these proceedings.
12. Respondent is aware that failure to comply with any of the terms of this agreement will result in the matter being set for a hearing.

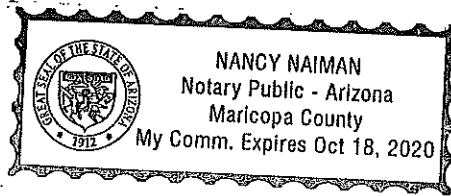
11/14/18
Date Signed


Erica J. Dobbs, Attorney #30588-49
Indiana Department of Insurance

11-3-18
Date Signed


Daniel Copeland, Jr., Respondent

STATE OF ARIZONA)
COUNTY OF Maricopa) SS:



Before me a Notary Public for U.S. Bank Maricopa County, State of Arizona personally appeared Daniel Copeland, Jr., and being first duly sworn by me upon his oath, says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 3rd day of November, 2018.

Nancy Naiman
Signature

Nancy Naiman
Printed

My Commission expires: October 18, 2020

County of Residence: Maricopa

Return executed originals to:
INDIANA DEPARTMENT OF INSURANCE
Enforcement Division, Suite 103
311 West Washington Street
Indianapolis, IN 46204-2787
317/234-5885 - telephone
317/234-2103- facsimile