

**STATE OF RHODE ISLAND
DEPARTMENT OF BUSINESS REGULATION
JOHN O. PASTORE COMPLEX, BLDG 68-69
1511 PONTIAC AVENUE
CRANSTON, R.I. 02920**

IN THE MATTER OF:

Joe L. Jordan,

Respondent.

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DBR No.: 21-IN-019

FINAL ORDER REVOKING LICENSE

I. INTRODUCTION

The above-entitled matter came for hearing on January 18 and 26, and February 17, 2022 pursuant to an Order to Show Cause, Notice of Hearing, and Appointment of Hearing Officer (“Order to Show Cause”) issued on December 13, 2021 to Joe L. Jordan (“Respondent”) by the Department of Business Regulation (“Department”). Pursuant to R.I. Gen. Laws § 27-2.4-1 *et seq.*, the Respondent holds an insurance producer license (“License”). The Respondent did not appear at any of the hearing dates. Pursuant to § 2.9 of the 230-RICR-100-00-2, *Rules of Procedure for Administrative Hearing* (“Rules”), service may be made by hand-delivery or first-class mail and service is complete upon mailing when sent to the last known address of the party. In this matter, the Order to Show Cause was sent to the Respondent’s last known address by first class and certified mail.¹ Since the Respondent was adequately noticed of hearing, a hearing was held before the

¹ The Order to Show Cause was sent by first class mail, and certified mail, return receipt requested to the Respondent’s home and business addresses on record with the Department. The certified mail was delivered to both addresses. Department’s Exhibit One (1) (Respondent’s licensing record); and Six (6) (United States Post Office tracking sheet showing certified mail was delivered to both addresses for Respondent).

undersigned on January 18, 2022.² Additionally, § 2.21 of the Rules provides that a default judgment may be entered based on pleadings and/or evidence submitted at hearing by a non-defaulting party. The Department was represented by counsel who rested on the record.

II. JURISDICTION

The administrative hearing was held pursuant to R.I. Gen. Laws § 42-14-1 *et seq.*, R.I. Gen. Laws § 27-2.4-1 *et seq.*, R.I. Gen. Laws § 42-35-1 *et seq.*, and the Rules.

III. ISSUE

Whether the Respondent's License should be revoked pursuant to R.I. Gen. Laws § 27-2.4-14

IV. MATERIAL FACTS

Based on the exhibits entered at hearing and the Order to Show Cause, it is undisputed that the 1) the Respondent was affiliated with an insurance company; 2) by letter dated August 27, 2021, said insurance company notified the Department that it had terminated the Respondent for cause; 3) said cause was that the Respondent had submitted life insurance applications with questionable and/or invalid information; 4) by letters dated September 8, 2021 and November 3, 2021 sent to both the Respondent's home and business addresses and which were received by the Respondent, the Department requested an

² Due to the Covid19 pandemic, the hearing was held remotely. After the January 18, 2022 hearing, the Respondent contacted the Department requesting another day for hearing. By email dated January 19, 2022, the Department provided the Respondent with the exhibits that had been entered at hearing. By email dated January 19, 2022, a second day of hearing was scheduled for January 26, 2022, and a zoom invitation forwarded to all parties. The Respondent did not appear on that day. Subsequently, the Respondent contacted the undersigned by email dated January 27, 2022 indicating he had not seen the email scheduling the second day of hearing for January 26, 2022 and that his day off was Thursday. By email dated February 2, 2022, the undersigned circulated dates to schedule another day of hearing for a Thursday. By email dated February 2, 2022, the Respondent indicated he was available on February 17, 2022. A hearing was scheduled for February 17, 2022, and a zoom invitation was forwarded to all parties, but the Respondent did not appear on February 17, 2022. The Department appeared and requested again that Respondent's License be revoked.

explanation of the allegations made against him; 5) the November, 2021 request indicated that if a reply was not received in ten (10) days then the Department would take action regarding his License; 6) the Respondent did not reply to any of the Department's requests for an explanation; 7) by email dated September 3, 2021, the Department also requested a response to the allegations from the Department; however, despite the email being sent to the email address on record with the Department, the email was returned as undeliverable. Department's Exhibits One (1) (Respondent's licensing history); Two (2) (August 27, 2021 letter from insurance company); Three (3) (September 3, 2022 email to Respondent); Four (4) (September 8, 2021 letter to Respondent); Five (5) (November 3, 2021 to Respondent); and Six (6) (Order to Show Cause).

V. RELEVANT STATUTES

Section 2.4 of the Rules requires that if contacted by the Department, a licensee shall file a response within 15 business days or such time frame as specified by the Department.

R.I. Gen. Laws § 27-2.4-14(a)(2) provides as follows:

Licenses – Denial – Nonrenewal – Suspension or revocation.
(a) The insurance commissioner may place on probation, suspend, revoke or refuse to issue or renew an insurance producer's license or may levy an administrative penalty in accordance with § 42-14-16 or any combination of actions, for any one or more of the following causes:

(2) Violating any insurance laws, or violating any regulation, subpoena or order of the insurance commissioner or of another state's insurance commissioner;

R.I. Gen. Laws § 42-14-16(a)(1) provides in part as follows:

Administrative penalties. (a) Whenever the director, or his or her designee, shall have cause to believe that a violation of title 27 and/or chapter 14, 14.5, 62, or 128.1 of title 42 or the regulations promulgated thereunder has

occurred by a licensee, or any person or entity conducting any activities requiring licensure under title 27, the director or his or her designee may, in accordance with the requirements of the administrative procedures act, chapter 35 of this title:

- (1) Revoke or suspend a license;
- (2) Levy an administrative penalty in an amount not less than one hundred dollars (\$100) nor more than fifty thousand dollars (\$50,000).

VI. DISCUSSION

While the Respondent's insurance company indicated that he was terminated for cause, the basis for those allegations was not included in the Order to Show Cause. Rather the Order to Show Cause was predicated on the Respondent's failure twice to respond to the Department as required by the Rules. The Respondent twice violated § 2.4 of the Rules by twice failing to respond to the Department as requested. Therefore, he violated R.I. Gen. Laws § 27-2.4-14(a)(2) by violating said regulation ("any" regulation). Furthermore, the Respondent failed to appear at all three (3) days of hearing.

Based on the foregoing, the undersigned makes the following findings of fact:

1. Pursuant to Section 2.21 of the Rules, the Respondent is declared to be in default for failing to appear at the hearing.
2. Pursuant to Section 2.21 of the Rules, the allegations in the Order to Show Cause are found to be true.

Based on the foregoing, the undersigned makes the following conclusions of law:

1. The Respondent violated to R.I. Gen. Laws § 27-2.4-14(a)(2) (violation of a regulation) and Section 2.4 of the Rules (failed to respond within 15 business days or otherwise within time frame indicated by the Department).


2. There are grounds to revoke the Respondent's License pursuant to R.I. Gen. Laws § 27-2.4-14(a)(2) (violation of insurance laws) and R.I. Gen. Laws § 42-14-16(a)(1) (violation of insurance laws).

3. The Respondent's License should be revoked pursuant to R.I. Gen. Laws § 27-2.4-14(a)(2) and R.I. Gen. Laws § 42-14-16(a)(1).

On the basis of the foregoing, the undersigned makes the following recommendation:

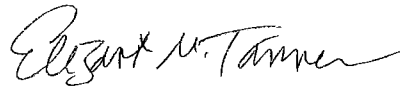
1. The Respondent's License is revoked.

Dated: MARCH 7, 2022


Catherine R. Warren
Hearing Officer

I have read the Hearing Officer's recommendation in this matter and I hereby ADOPT REJECT the findings of facts, the conclusions of law, and recommendation of the hearing officer in the above entitled Final Order.

Dated: 03/07/2022


Elizabeth M. Tanner, Esquire
Director

NOTICE OF APPELLATE RIGHTS

THIS ORDER CONSTITUTES A FINAL ORDER OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO R.I. GEN. LAWS § 42-35-12. PURSUANT TO R.I. GEN. LAWS § 42-35-15, THIS ORDER MAY BE APPEALED TO THE SUPERIOR COURT SITTING IN AND FOR THE COUNTY OF PROVIDENCE WITHIN THIRTY (30) DAYS OF THE MAILING DATE OF THIS DECISION. SUCH APPEAL, IF TAKEN, MUST BE COMPLETED BY FILING A PETITION FOR REVIEW IN SUPERIOR COURT. THE FILING OF THE COMPLAINT DOES NOT ITSELF STAY ENFORCEMENT OF THIS ORDER. THE AGENCY MAY GRANT, OR THE REVIEWING COURT MAY ORDER, A STAY UPON THE APPROPRIATE TERMS.

CERTIFICATION

I hereby certify that on this 7th day of March, 2022, that a copy of the within Final Order was sent by first class mail, postage prepaid and by certified mail, return receipt requested to Mr. Joe L. Jordan, 33 Lewis Street, Unit 2, Central Falls, R.I. 02863 and by electronic delivery to Patrick Smock, Esquire, and Rachel Chester, Chief, Department of Business Regulation, Pastore Complex, 1511 Pontiac Avenue. Cranston, R.I.

