

**STATE OF RHODE ISLAND  
DEPARTMENT OF BUSINESS REGULATION  
DIVISION OF INSURANCE  
1511 PONTIAC AVENUE, BUILDING 69-2  
CRANSTON, RI 02920**

<p><b>IN THE MATTER OF:</b></p> <p><b>EDWARD J. HEISS JR.,</b></p> <p><b>RESPONDENT.</b></p>	<p><b>DBR No.: 2024-IN-IN003;</b> <b>&amp;</b> <b>NPN No.: 401036</b></p>
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**CONSENT AGREEMENT**

The Department of Business Regulation (“Department”), by and through the Division of Insurance (“Division”), and Edward J. Heiss, Jr., (“Respondent”) (collectively, the “Parties”) hereby consent and agree that:

- Respondent is a revoked insurance producer licensee in the State of Rhode Island, by [DBR Emergency Order issued in DBR No. 14IN001](#), dated January 14, 2014, and [Order Revoking License issued in DBR No. 14IN001](#) dated April 7, 2015. Respondent’s license history reveals that Respondent’s revoked insurance producer license number is 1050288, and national producer number (“NPN”) is 401036, and was first active on November 1, 1978.
- Pursuant to a Consent Order issued by the Department in DBR No. 21IN008, on January 24, 2022, Respondent’s son, Ryan E. Heiss (“Heiss”) voluntarily surrendered his Rhode Island insurance producer license (license number 3001153968, NPN 19760089); Heiss was thereafter licensed as a resident insurance producer in Massachusetts, license number 19760089, which was voluntarily surrendered December 6, 2022.
- On February 9, 2023, Heiss contacted the Department alleging fraud was conducted under his former Rhode Island insurance producer license (“Complaint”).
- According to the Complaint, on January 25, 2021, Respondent pretended to be Heiss and applied for an appointment to perform the duties of a licensed insurance producer as Heiss. Respondent’s request was accepted by an Insurer (“Insurer A”), and in calendar year 2021 Respondent wrote three life insurance policies, which totaled ninety-five thousand dollars (\$95,000). The insurance commissions paid to

Respondent on those three policies totaled five-thousand three hundred and eleven dollars and fourteen cents (\$5,311.14) and were deposited into Respondent's bank account. The total amount of premiums paid on these policies was twelve thousand four hundred and thirty-three dollars and sixty-nine cents (\$12,433.69).

- Of the three insurance policies written by Respondent in 2021 and referred to in ¶ 4, the first was written for a proposed insured ("Proposed Insured 1"), the owner of which was Respondent ("Insurance Policy 1"). This life insurance policy states that it was signed on February 14, 2021 in Providence, Rhode Island, by both Respondent and Heiss. The policy states that the primary writing agent was Heiss and cites his Rhode Island state license number 3001153968 and agent number 81657. Insurance Policy 1 was written in the amount of fifty thousand dollars (\$50,000).
- Of the three insurance policies written by Respondent in 2021 and referred to in ¶ 4, the second was written for a proposed insured ("Proposed Insured 2"), the owner of which was a different individual ("Insurance Policy 2"). Insurance Policy 2 states that it was signed on March 31, 2021 in West Warwick, Rhode Island, by both Proposed Insured 2 and its purported owner; no witness was indicated on the form. The policy states that the primary writing agent was Heiss and cites his Rhode Island state license number 3001153968 and agent number 81657. Insurance Policy 2 was written in the amount of twenty-five thousand dollars (\$25,000).
- Of the three insurance policies written by Respondent in 2021 and referred to in ¶ 4, the third was written for a proposed insured ("Proposed Insured 3"), the owner of which was a separate individual ("Insurance Policy 3"). Insurance Policy 3 states that it was signed on April 18, 2021 in Providence, Rhode Island by both Proposed Insured 3 and its purported owner. The policy states that the witness and primary writing agent was Heiss and cites his RI license number 3001153968 and agent number 81657. Insurance Policy 3 was written in the amount of twenty thousand dollars (\$20,000).
- The address of Proposed Insured 3 is 4 Dario Dr., Lincoln, RI 02865.
- On February 9, 2023, Heiss called Insurer A and stated in a recorded phone call that he never applied for the appointment with, and never wrote any insurance policies for, Insurer A. Heiss stated that Respondent used Heiss's identity to become appointed and write the policies. Heiss also stated he did not receive the commissions from these policies and that they went to a bank account associated with Respondent. Heiss also stated that he received 1099 Internal Revenue Service tax forms for the commissions on the policies, which is what prompted him to call Insurer A.



- On April 14, 2023, the Department received a mandatory notice of suspected insurance fraud from Insurer A, which stated Respondent committed “agent fraud” and “identity theft.”
- By letters dated April 21, 2023, Insurer A rescinded and refunded Insurance Policy 1, Insurance Policy 2, and Insurance Policy 3.
- On or about April 14, 2023, the Department learned that Insurer A was able to compare call recordings from Heiss with call recordings from Respondent, as the owner of Insurance Policy 1; the voices did not match. Additionally, Insurer A was able to compare call recordings from Respondent, as the owner of Insurance Policy 1, and the person calling Insurer A claiming to be the Insurance Policy 1 agent; the voices matched.
- On or about April 14, 2023, the Department also learned that Insurer A determined that the bank account on its agent contract purportedly with Heiss was the same bank account that Respondent used to pay premiums on Insurance Policy 1.
- Upon information and belief, Respondent used his son’s identity and Rhode Island insurance producer license to become appointed with an insurance company to sell insurance policies in Rhode Island, to Rhode Island residents, and/or effectuated said policies in Rhode Island.

**Authority**

- Pursuant to R.I. Gen. Laws § 27-2.4-6(a), “If the department has reason to believe that any person is conducting any activities requiring licensure under this chapter without obtaining a license, or who after the denial, suspension or revocation of a license conducts any activities requiring licensure under this chapter, the department may issue its order to that person commanding them to appear before the department at a hearing after issuance of that order to show cause why the department should not issue an order to that person to cease and desist from the violations of the provisions of this chapter...”
- Pursuant to R.I. Gen. Laws § 42-14-16(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);
- (3) Order the violator to cease such actions;
- (4) Require the licensee or person or entity conducting any activities requiring licensure under title 27 to take such actions as are necessary to comply with title 27 and/or chapter 14, 14.5, 62, or 128.1 of title 42, or the regulations thereunder; or
- (5) Any combination of the above penalties.”

### **Conditions**

- In an effort to affect a timely and amicable resolution of the issues raised in this Consent Agreement without an administrative hearing, the Parties enter into this Consent Agreement solely for the purposes of avoiding the burdens and expenses of litigation. The Department agrees to abstain from pursuit of further enforcement actions involving Respondent and this Consent Agreement’s central facts, as presented in ¶¶ 1-13, based upon Respondent’s representations and agreements, and subject to conditions, as set forth herein below:
  - Respondent neither admits nor denies the veracity of the facts as presented in this Consent Agreement ¶¶ 1-13;
  - Respondent agrees, consents, understands and represents that he shall not seek any new licensure, or reinstatement of any licensure, from the State of Rhode Island’s Division of Insurance at any time in the future and that Respondent’s said abstention is irrevocable; and
  - Respondent enters into this Consent Agreement knowingly, voluntarily and of his own free will.
- *Final Determination.* The parties agree that this Consent Agreement and its terms represent the final determination of this matter.
- *Waiver of Hearing and Appeal.* By agreeing to resolve this matter through the execution of this Consent Agreement, Respondent knowingly and voluntarily waives any right to an administrative hearing and waives any right to pursue an appeal to the Superior Court under the Rhode Island Administrative Procedures



*/s/ Sara Tindall-Woodman, Esq.*

*Signature*

Sara Tindall-Woodman, Esq.  
Chief, Legal Services  
Department of Business Regulation

Date: 5-10-2024

*Signature*

By: Edward J. Heiss Jr.



Date: 05/07/2024

