

**NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA**

**STATE OF NORTH CAROLINA
COUNTY OF WAKE**

**BEFORE THE COMMISSIONER OF
INSURANCE**

**IN THE MATTER OF
THE LICENSURE OF
SCOTT CASH DANIELS**

**ORDER AND
FINAL AGENCY DECISION
Docket Number: 1825**

THIS MATTER was heard on December 7, 2016 by the undersigned Hearing Officer, designated by the North Carolina Commissioner of Insurance (“Commissioner”) pursuant to N.C. Gen. Stat. § 58-2-55.

A Notice of Administrative Hearing advising Respondent Scott Cash Daniels (“Respondent”) of the time, date and place of the hearing was duly issued and served on Respondent at the address he has listed with Petitioner Agent Services Division (“ASD”) of the North Carolina Department of Insurance (“NCDOI”). The Notice of Administrative Hearing was received and signed for at Respondent’s address on November 3, 2016. Further, ASD’s counsel, Terence D. Friedman, Assistant Attorney General, represented to the Hearing Officer that, in a November 3, 2016 telephone conversation, Respondent acknowledged to Mr. Friedman that he had received the Notice of Administrative Hearing.

Respondent, proceeding *pro se*, failed to appear at the hearing.

ASD was present at the hearing and was represented by Mr. Friedman.

ASD offered into evidence Exhibits 1 through 13, which were admitted into evidence.

After careful consideration of the evidence and arguments presented, and based on the record as a whole, the Hearing Officer hereby makes the following:

FINDINGS OF FACT

1. Respondent has a non-resident North Carolina insurance producer’s license with lines of authority for Life and Accident and Health or Sickness (“License”).
2. In or around October 2015, in the application (“Application”) Respondent submitted to obtain his License, Respondent answered “no” in response to the following question: “Have you ever been named or involved as a party in an administrative

proceeding, including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration?"

3. Contrary to his answer in the Application, on or about August 25, 1999, the Florida Office of Insurance Regulation placed Respondent's insurance producer's license in that state on probation and fined Respondent \$750.00 for signing an insured's name on an application outside the presence of the insured ("Florida Action").
4. Effective November 13, 2015, the Louisiana Department of Insurance fined Respondent \$250.00 for failing to identify the Florida Action in his application for an insurance producer's license in Louisiana ("Louisiana Action").
5. Respondent did not report the Louisiana Action to the Commissioner within 30 days.
6. Effective December 6, 2015, the Oklahoma Department of Insurance fined Respondent \$150.00 for failing to identify the Florida Action in his application for an insurance producer's license in Oklahoma ("Oklahoma Action").
7. Respondent did not report the Oklahoma Action to the Commissioner within 30 days.
8. Effective March 4, 2016, the Indiana Department of Insurance denied Respondent's application for an insurance producer's license for failing to identify the Florida Action in his Indiana application ("Indiana Action").
9. Respondent did not report the Indiana Action to the Commissioner within 30 days.
10. Effective July 12, 2016, the Bureau of Insurance of the Virginia State Corporation Commission revoked Respondent's insurance producer's license in that state ("Virginia Action") because Respondent failed to timely advise the Commission of the Louisiana and Oklahoma Actions and because Respondent provided untrue information in his Virginia application.
11. Respondent did not report the Virginia Action to the Commissioner within 30 days.

CONCLUSIONS OF LAW

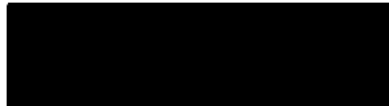
1. This matter is properly before the Commissioner, and he has jurisdiction over the parties and the subject matter.
2. Respondent was properly served with the Notice of Administrative Hearing in this matter.

3. Pursuant to N.C. Gen. Stat. § 58-33-46(a)(1), one of the causes for which the Commissioner may revoke an insurance producer's license is for providing materially incorrect, misleading, incomplete or materially untrue information in his or her license application.
4. By failing to identify the Florida Action in response to the question posed to him in the Application, Respondent provided materially incorrect and materially untrue information in his license application within the meaning of N.C. Gen. Stat. § 58-33-46(a)(1). Consequently, the Hearing Officer finds that Respondent's License should be revoked under N.C. Gen. Stat. § 58-33-46(a)(1).
5. Additionally, N. C. Gen. Stat. § 58-33-32(k) requires an insurance producer to report to the Commissioner "any administrative action" taken against the producer in another state "within 30 days after the final disposition of the matter," including by sending a "copy of the order or consent order and any other information filed in the proceeding necessary to describe the action." The Louisiana, Oklahoma, Indiana and Virginia Actions are administrative actions taken against Respondent within the meaning of N.C. Gen. Stat. § 58-33-32(k).
6. Pursuant to N. C. Gen. Stat. § 58-33-46(a)(2), one of the causes for which the Commissioner may revoke a license is for violating the insurance law of North Carolina. By failing to report the Louisiana, Oklahoma, Indiana and Virginia Actions to the Commissioner within 30 days of their final disposition, Respondent violated N.C. Gen. Stat. § 58-33-32(k), which is a North Carolina insurance law within the meaning of N. C. Gen. Stat. § 58-33-46(a)(2). Consequently, the Hearing Officer finds that Respondent's License should be revoked under N. C. Gen. Stat. § 58-33-46(a)(2).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that Respondent's License is hereby revoked.

This the 4th day of January, 2017.


Stewart Johnson, Hearing Officer
N.C. Department of Insurance
1201 Mail Service Center
Raleigh, NC 27699-1201

APPEAL RIGHTS: This Order may be appealed to Superior Court within 30 days of receipt of the same as set out in Chapter 150B of the North Carolina General Statutes.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served a copy of the foregoing **Order and Final Agency Decision** by first class U.S. Mail, addressed as follows:

Scott Cash Daniels
10835 Richmond Pl.
Cooper City, FL 33026

This the 5th day of January, 2017.



Terence D. Friedman
Assistant Attorney General
N.C. State Bar Number 25088
N. C. Department of Justice
P.O. Box 629
Raleigh, NC 27602-0629
(919) 716-6610
tfriedman@ncdoj.gov