

863

STATE OF OHIO
DEPARTMENT OF INSURANCE
2100 Stella Court
Columbus, Ohio 43215-1067

IN RE: :
SUITABILITY OF HARRY D. HOUSER, SR. : CONSENT ORDER
DOB 7/15/51 :
TO BE LICENSED AS AN INSURANCE :
AGENT IN THE STATE OF OHIO :

Harry D. Houser, Sr. ("Houser") is licensed as an insurance agent in the State of Ohio pursuant to former Section 3905.01 and/or former Section 3905.18 of the Ohio Revised Code ("R.C."). These sections authorize the Superintendent of Insurance ("Superintendent") to determine the suitability of insurance agents to be licensed in the State of Ohio.

On March 13, 2001, the Ohio Department of Insurance ("Department") issued a Notice of Opportunity for Hearing ("Notice") to Houser, owner and operator of HCH Insurance Agency, proposing to suspend, revoke, or refuse to renew his license for violations of Ohio's insurance laws. A copy of the Notice is attached hereto and incorporated by reference as if fully rewritten herein.

In that Notice, the Department alleges that beginning in or around October of 1998 and continuing until in or around September of 2000, Houser, through HCH Insurance Agency, solicited investments from thirteen (13) individuals. Certain individuals believed annuities would be purchased with their investments. Houser, through HCH Insurance Agency, collected monies totaling approximately three hundred thousand dollars (\$300,000.00) from these individuals but failed to obtain the annuities purportedly sold.

Finally, beginning in or about 1999, Houser through his agency, HCH Insurance Agency, Inc., aka Houser Insurance Agency, caused a misleading advertisement to be run in the *Muskingham Valley Review* newspaper. On March 22, 2001, the Superintendent issued an Order to Cease and Desist ("Order") against HCH Insurance Agency regarding

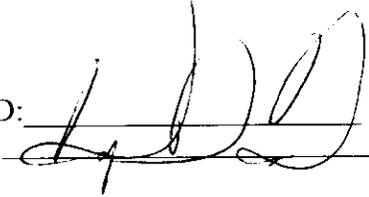
the misleading advertisement. A copy of the Order is attached hereto and incorporated by reference herein. A hearing on all issues set forth in the Notice and the Order has been scheduled on August 28, 2001.

Now, in lieu of further administrative proceedings and to resolve this matter, the Superintendent and/or Houser hereby agree to the following:

1. Houser admits that the above allegations are true and accurate and that he violated R.C. 3905.49(B)(3), R.C. 3901.20, R.C. 3905.49(B)(8), R.C. 3905.49(B)(4), R.C. 3905.49(B)(5), and R.C. 3905.49(B)(18).
2. Houser has been advised that, under Chapter 119 of the R.C., he has a right to a hearing before the Superintendent; that, at a hearing, he would be entitled to appear in person, to be represented by an attorney or other representative who is permitted to practice before the agency, to present his position, arguments or contentions in writing and to present evidence and examine witnesses appearing for or against him. Houser hereby waives all such rights.
3. Houser consents to the jurisdiction of the Superintendent and the Department to determine the issues set forth herein and the Notice and Order attached hereto and incorporated by reference as if fully rewritten herein. Houser expressly waives any defects in the Notice, service of the Notice, or any other prerequisite to jurisdiction that may exist.
4. Houser shall immediately cease and desist from engaging in the insurance industry.
5. Houser hereby agrees to the revocation of his insurance license, effective immediately upon execution of this Consent Order.
6. Once his license is revoked, Houser shall not engage in any activities, which require an insurance license in Ohio.
7. The insurance companies with which Houser is licensed/affiliated with shall be advised of the revocation of his license.
8. Houser waives any and all causes of action, claim or rights, known and unknown, which he may have against the Department of Insurance, and any employees, agents, consultants, contractors or officials of the Department, in their individual and official capacities, as a result of any acts or omissions on the part of such persons or firms.
9. Houser understands that this Consent Order shall have the full force and effect of an order of the Department of Insurance.
10. Houser further understands that if he fails to comply with the terms of this Order, such failure shall constitute a violation of a lawful order of the Superintendent as provided in R.C. 3905.49(B)(2).
11. Failure to abide by the terms of this agreement shall constitute an actionable violation in and of itself without further proof and may subject Houser to any and all remedies available to the Superintendent.

12. This Consent Order shall be entered in the Journal of the Ohio Department of Insurance. All parties understand and acknowledge that this Consent Order is a public document pursuant to R.C. 149.43.

DATED:

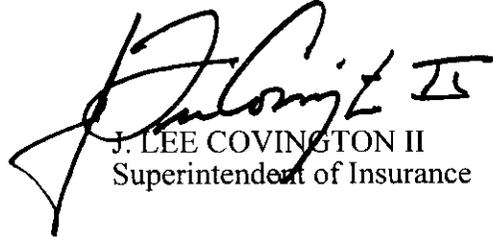


BY:

Harry D. Houser, Sr.

DATED:

October 9, 2001


J. LEE COVINGTON II
Superintendent of Insurance

STATE OF OHIO
DEPARTMENT OF INSURANCE
2100 Stella Court
Columbus, Ohio 43215-1067

IN RE:	:	
SUITABILITY OF HARRY D. HOUSER, SR.	:	NOTICE OF OPPORTUNITY
DOB 7/15/51	:	FOR HEARING
TO BE LICENSED AS AN	:	
INSURANCE AGENT IN THE	:	
STATE OF OHIO	:	

Harry D. Houser, Sr. ("Houser") currently holds an insurance agent license in the State of Ohio.

The Superintendent has conducted an investigation of the insurance activities of Houser and, as a result of such investigation, alleges that Houser has committed violations of the insurance laws and regulations of this state and that he is not suitable to be an insurance agent.

In accordance with Chapter 119 and Title 39 of the Ohio Revised Code ("R.C."), Houser is hereby notified that the Superintendent of Insurance intends to revoke his license as an insurance agent in the State of Ohio. The grounds for such action are described below.

COUNT ONE

On or about October 23, 1998, Houser solicited and sold an annuity purportedly issued by American Life & Casualty Insurance Company ("American Life") to Myron and Linda Guiler. Houser collected a premium from Mr. and Mrs. Guiler in the amount of one hundred thousand dollars (\$100,000.00) but failed to obtain the annuity from American Life or return the premium to Mr. and Mrs. Guiler. Pursuant to R.C. 3905.49(B)(3), the Superintendent may revoke any license as an agent for misappropriating or converting to one's own use any moneys belonging to policyholders, prospective policyholders, beneficiaries, insurance companies, or others received in the course of that person's insurance business.

COUNT TWO

The allegations contained in Count One are hereby incorporated as if fully rewritten herein. Subsequent to October of 1998, Houser issued fictitious annuity statements purportedly from American Life and made monthly interest payments to Mr. and Mrs. Guiler himself. In the conduct of his affairs under a license,

Houser has used unfair trade acts or practices in violation of R.C. 3901.20 as defined in R.C. 3901.21(A). Pursuant to R.C. 3905.49(B)(8), the Superintendent may revoke any license as an agent for committing an unfair trade act or practice under any section of Title XXXIX of the Revised Code.

COUNT THREE

The allegations contained in Count One are hereby incorporated as if fully rewritten herein. On or about March 2, 1999, Houser collected a deposit of fifty thousand dollars (\$50,000.00) from Mr. and Mrs. Guiler but failed to obtain the annuity from American Life or return the deposit to Mr. and Mrs. Guiler. Pursuant to R.C. 3905.49(B)(3), the Superintendent may revoke any license as an agent for misappropriating or converting to one's own use any moneys belonging to policyholders, prospective policyholders, beneficiaries, insurance companies, or others received in the course of that person's insurance business.

COUNT FOUR

The allegations contained in Counts One and Three are hereby incorporated as if fully rewritten herein. Subsequent to March of 1999, Houser issued fictitious annuity statements purportedly from American Life and made monthly interest payments to Mr. and Mrs. Guiler himself. In the conduct of his affairs under a license, Houser has used unfair trade acts or practices in violation of R.C. 3901.20 as defined in R.C. 3901.21(A). Pursuant to R.C. 3905.49(B)(8), the Superintendent may revoke any license as an agent for committing an unfair trade act or practice under any section of Title XXXIX of the Revised Code.

COUNT FIVE

On or about October 21, 1999, Houser solicited and sold an annuity purportedly issued by American Life to Paul and Stella Williamson. Houser collected a premium from Mr. and Mrs. Williamson in the amount of twenty thousand dollars (\$20,000.00) but failed to obtain the annuity from American Life or return the premium to Mr. and Mrs. Williamson. Pursuant to R.C. 3905.49(B)(3), the Superintendent may revoke any license as an agent for misappropriating or converting to one's own use any moneys belonging to policyholders, prospective policyholders, beneficiaries, insurance companies, or others received in the course of that person's insurance business.

COUNT SIX

The allegations contained in Count Five are hereby incorporated as if fully rewritten herein. Subsequent to October of 1999, Houser issued fictitious annuity statements purportedly from American Life and made monthly interest payments to Mr. and Mrs. Williamson himself. In the conduct of his affairs under a license, Houser has used unfair trade acts or practices in violation of R.C. 3901.20 as

defined in R.C. 3901.21(A). Pursuant to R.C. 3905.49(B)(8), the Superintendent may revoke any license as an agent for committing an unfair trade act or practice under any section of Title XXXIX of the Revised Code.

COUNT SEVEN

On or about January 7, 2000, Houser solicited and sold an annuity purportedly issued by American Life to Mr. and Mrs. Williamson. Houser collected a premium from Mr. and Mrs. Williamson in the amount of thirty thousand dollars (\$30,000.00) but failed to obtain the annuity from American Life or return the premium to Mr. and Mrs. Williamson. Pursuant to R.C. 3905.49(B)(3), the Superintendent may revoke any license as an agent for misappropriating or converting to one's own use any moneys belonging to policyholders, prospective policyholders, beneficiaries, insurance companies, or others received in the course of that person's insurance business.

COUNT EIGHT

The allegations contained in Count Seven are hereby incorporated as if fully rewritten herein. Subsequent to January of 2000, Houser issued fictitious annuity statements purportedly from American Life and made monthly interest payments to Mr. and Mrs. Williamson himself. In the conduct of his affairs under a license, Houser has used unfair trade acts or practices in violation of R.C. 3901.20 as defined in R.C. 3901.21(A). Pursuant to R.C. 3905.49(B)(8), the Superintendent may revoke any license as an agent for committing an unfair trade act or practice under any section of Title XXXIX of the Revised Code.

COUNT NINE

On or about March 6, 1999, Houser solicited and sold an annuity purportedly issued by American Life to Carl and Bessie Lang. Houser collected a premium from Mr. and Mrs. Lang in the amount of five thousand dollars (\$5,000.00) but failed to obtain the annuity from American Life or return the premium to Mr. and Mrs. Lang. Pursuant to R.C. 3905.49(B)(3), the Superintendent may revoke any license as an agent for misappropriating or converting to one's own use any moneys belonging to policyholders, prospective policyholders, beneficiaries, insurance companies, or others received in the course of that person's insurance business.

COUNT TEN

The allegations contained in Count Nine are hereby incorporated as if fully rewritten herein. On or about March 6, 1999, Houser issued a fictitious annuity certificate purportedly from American Life to Mr. and Mrs. Lang. In the conduct of his affairs under a license, Houser has used unfair trade acts or practices in violation of R.C. 3901.20 as defined in R.C. 3901.21(A). Pursuant to R.C.

3905.49(B)(8), the Superintendent may revoke any license as an agent for committing an unfair trade act or practice under any section of Title XXXIX of the Revised Code.

COUNT ELEVEN

On or about May 24, 1999, Houser solicited and sold an annuity purportedly issued by American Life to Mr. and Mrs. Lang. Houser collected a premium from Mr. and Mrs. Lang in the amount of five thousand dollars (\$5,000.00) but failed to obtain the annuity from American Life or return the premium to Mr. and Mrs. Lang. Pursuant to R.C. 3905.49(B)(3), the Superintendent may revoke any license as an agent for misappropriating or converting to one's own use any moneys belonging to policyholders, prospective policyholders, beneficiaries, insurance companies, or others received in the course of that person's insurance business.

COUNT TWELEVE

The allegations contained in Count Eleven are hereby incorporated as if fully rewritten herein. On or about May 24, 1999, Houser issued a fictitious annuity certificate purportedly from American Life to Mr. and Mrs. Lang. In the conduct of his affairs under a license, Houser has used unfair trade acts or practices in violation of R.C. 3901.20 as defined in R.C. 3901.21(A). Pursuant to R.C. 3905.49(B)(8), the Superintendent may revoke any license as an agent for committing an unfair trade act or practice under any section of Title XXXIX of the Revised Code.

COUNT THIRTEEN

On or about October 4, 1999, Houser solicited and sold an annuity purportedly issued by American Life to Mr. and Mrs. Lang. Houser collected a premium from Mr. and Mrs. Lang in the amount of five thousand dollars (\$5,000.00) but failed to obtain the annuity from American Life or return the premium to Mr. and Mrs. Lang. Pursuant to R.C. 3905.49(B)(3), the Superintendent may revoke any license as an agent for misappropriating or converting to one's own use any moneys belonging to policyholders, prospective policyholders, beneficiaries, insurance companies, or others received in the course of that person's insurance business.

COUNT FOURTEEN

The allegations contained in Count Thirteen are hereby incorporated as if fully rewritten herein. On or about October 4, 1999, Houser issued a fictitious annuity certificate purportedly from American Life to Mr. and Mrs. Lang. In the conduct of his affairs under a license, Houser has used unfair trade acts or practices in violation of R.C. 3901.20 as defined in R.C. 3901.21(A). Pursuant to R.C.

3905.49(B)(8), the Superintendent may revoke any license as an agent for committing an unfair trade act or practice under any section of Title XXXIX of the Revised Code.

COUNT FIFTEEN

On or about January 28, 2000, Houser solicited and sold an annuity purportedly issued by American Life to Mr. and Mrs. Lang. Houser collected a premium from Mr. and Mrs. Lang in the amount of five thousand dollars (\$5,000.00) but failed to obtain the annuity from American Life or return the premium to Mr. and Mrs. Lang. Pursuant to R.C. 3905.49(B)(3), the Superintendent may revoke any license as an agent for misappropriating or converting to one's own use any moneys belonging to policyholders, prospective policyholders, beneficiaries, insurance companies, or others received in the course of that person's insurance business.

COUNT SIXTEEN

The allegations contained in Count Fifteen are hereby incorporated as if fully rewritten herein. On or about January 28, 2000, Houser issued a fictitious annuity certificate purportedly from American Life to Mr. and Mrs. Lang. In the conduct of his affairs under a license, Houser has used unfair trade acts or practices in violation of R.C. 3901.20 as defined in R.C. 3901.21(A). Pursuant to R.C. 3905.49(B)(8), the Superintendent may revoke any license as an agent for committing an unfair trade act or practice under any section of Title XXXIX of the Revised Code.

COUNT SEVENTEEN

On or about April 8, 2000, Houser solicited and sold an annuity purportedly issued by American Life to Mr. and Mrs. Lang. Houser collected a premium from Mr. and Mrs. Lang in the amount of five thousand dollars (\$5,000.00) but failed to obtain the annuity from American Life or return the premium to Mr. and Mrs. Lang. Pursuant to R.C. 3905.49(B)(3), the Superintendent may revoke any license as an agent for misappropriating or converting to one's own use any moneys belonging to policyholders, prospective policyholders, beneficiaries, insurance companies, or others received in the course of that person's insurance business.

COUNT EIGHTEEN

The allegations contained in Count Seventeen are hereby incorporated as if fully rewritten herein. On or about April 8, 2000, Houser issued a fictitious annuity certificate purportedly from American Life to Mr. and Mrs. Lang. In the conduct of his affairs under a license, Houser has used unfair trade acts or practices in violation of R.C. 3901.20 as defined in R.C. 3901.21(A). Pursuant to R.C.

R.C. 3905.49(B)(8), the Superintendent may revoke any license as an agent for committing an unfair trade act or practice under any section of Title XXXIX of the Revised Code.

COUNT TWENTY-THREE

On or about July 12, 2000, Houser solicited and sold an annuity purportedly issued by American Life to Mr. and Mrs. Lang. Houser collected a premium from Mr. and Mrs. Lang in the amount of five thousand dollars (\$5,000.00) but failed to obtain the annuity from American Life or return the premium to Mr. and Mrs. Lang. Pursuant to R.C. 3905.49(B)(3), the Superintendent may revoke any license as an agent for misappropriating or converting to one's own use any moneys belonging to policyholders, prospective policyholders, beneficiaries, insurance companies, or others received in the course of that person's insurance business.

COUNT TWENTY-FOUR

The allegations contained in Count Twenty-Three are hereby incorporated as if fully rewritten herein. On or about July 12, 2000, Houser issued a fictitious annuity certificate purportedly from American Life to Mr. and Mrs. Lang. In the conduct of his affairs under a license, Houser has used unfair trade acts or practices in violation of R.C. 3901.20 as defined in R.C. 3901.21(A). Pursuant to R.C. 3905.49(B)(8), the Superintendent may revoke any license as an agent for committing an unfair trade act or practice under any section of Title XXXIX of the Revised Code.

COUNT TWENTY-FIVE

On or about August 8, 2000, Houser solicited and sold an annuity purportedly issued by American Life to Mr. and Mrs. Lang. Houser collected a premium from Mr. and Mrs. Lang in the amount of five thousand dollars (\$5,000.00) but failed to obtain the annuity from American Life or return the premium to Mr. and Mrs. Lang. Pursuant to R.C. 3905.49(B)(3), the Superintendent may revoke any license as an agent for misappropriating or converting to one's own use any moneys belonging to policyholders, prospective policyholders, beneficiaries, insurance companies, or others received in the course of that person's insurance business.

COUNT TWENTY-SIX

The allegations contained in Count Twenty-Five are hereby incorporated as if fully rewritten herein. On or about August 8, 2000, Houser issued a fictitious annuity certificate purportedly from American Life to Mr. and Mrs. Lang. In the conduct of his affairs under a license, Houser has used unfair trade acts or practices in violation of R.C. 3901.20 as defined in R.C. 3901.21(A). Pursuant to

R.C. 3905.49(B)(8), the Superintendent may revoke any license as an agent for committing an unfair trade act or practice under any section of Title XXXIX of the Revised Code.

COUNT TWENTY-SEVEN

On or about September 19, 2000, Houser solicited and sold an annuity purportedly issued by American Life to Mr. and Mrs. Lang. Houser collected a premium from Mr. and Mrs. Lang in the amount of five thousand dollars (\$5,000.00) but failed to obtain the annuity from American Life or return the premium to Mr. and Mrs. Lang. Pursuant to R.C. 3905.49(B)(3), the Superintendent may revoke any license as an agent for misappropriating or converting to one's own use any moneys belonging to policyholders, prospective policyholders, beneficiaries, insurance companies, or others received in the course of that person's insurance business.

COUNT TWENTY-EIGHT

The allegations contained in Count Twenty-Seven are hereby incorporated as if fully rewritten herein. On or about September 19, 2000, Houser issued a fictitious annuity certificate purportedly from American Life to Mr. and Mrs. Lang. In the conduct of his affairs under a license, Houser has used unfair trade acts or practices in violation of R.C. 3901.20 as defined in R.C. 3901.21(A). Pursuant to R.C. 3905.49(B)(8), the Superintendent may revoke any license as an agent for committing an unfair trade act or practice under any section of Title XXXIX of the Revised Code.

COUNT TWENTY-NINE

On or about March 1, 2000, Houser solicited and sold an annuity purportedly issued by American Life to Cecil and Ann Reed. Houser collected a premium from Mr. and Mrs. Reed in the amount of twenty-five thousand dollars (\$25,000.00) but failed to obtain the annuity from American Life or return the premium to Mr. and Mrs. Reed. Pursuant to R.C. 3905.49(B)(3), the Superintendent may revoke any license as an agent for misappropriating or converting to one's own use any moneys belonging to policyholders, prospective policyholders, beneficiaries, insurance companies, or others received in the course of that person's insurance business.

COUNT THIRTY

The allegations contained in Count Twenty-Nine are hereby incorporated as if fully rewritten herein. On or about March 1, 2000, Houser issued a fictitious annuity certificate purportedly from American Life to Mr. and Mrs. Reed. In the conduct of his affairs under a license, Houser has used unfair trade acts or practices in violation of R.C. 3901.20 as defined in R.C. 3901.21(A). Pursuant to

R.C. 3905.49(B)(8), the Superintendent may revoke any license as an agent for committing an unfair trade act or practice under any section of Title XXXIX of the Revised Code.

COUNT THIRTY-ONE

On or about August 25, 2000, Houser solicited and sold an annuity purportedly issued by American Life to Charles and Lisa Thompson. Houser collected a premium from Mr. and Mrs. Thompson in the amount of five thousand dollars (\$5,000.00) but failed to obtain the annuity from American Life or return the premium to Mr. and Mrs. Thompson. Pursuant to R.C. 3905.49(B)(3), the Superintendent may revoke any license as an agent for misappropriating or converting to one's own use any moneys belonging to policyholders, prospective policyholders, beneficiaries, insurance companies, or others received in the course of that person's insurance business.

COUNT THIRTY-TWO

The allegations contained in Count Thirty-One are hereby incorporated as if fully rewritten herein. On or about August 25, 2000, Houser issued a fictitious annuity certificate purportedly from American Life to Mr. and Mrs. Thompson. In the conduct of his affairs under a license, Houser has used unfair trade acts or practices in violation of R.C. 3901.20 as defined in R.C. 3901.21(A). Pursuant to R.C. 3905.49(B)(8), the Superintendent may revoke any license as an agent for committing an unfair trade act or practice under any section of Title XXXIX of the Revised Code.

COUNT THIRTY-THREE

On or about May 15, 2000, Houser solicited and sold an annuity purportedly issued by American Life to Lucille Brooks. Houser collected a premium from Ms. Brooks in the amount of ten thousand dollars (\$10,000.00) but failed to obtain the annuity from American Life or return the premium to Ms. Brooks. Pursuant to R.C. 3905.49(B)(3), the Superintendent may revoke any license as an agent for misappropriating or converting to one's own use any moneys belonging to policyholders, prospective policyholders, beneficiaries, insurance companies, or others received in the course of that person's insurance business.

COUNT THIRTY-FOUR

The allegations contained in Count Thirty-Three are hereby incorporated as if fully rewritten herein. On or about May 15, 2000, Houser issued a fictitious annuity certificate purportedly from American Life to Ms. Brooks. In the conduct of his affairs under a license, Houser has used unfair trade acts or practices in violation of R.C. 3901.20 as defined in R.C. 3901.21(A). Pursuant to R.C. 3905.49(B)(8), the Superintendent may revoke any license as an agent for

committing an unfair trade act or practice under any section of Title XXXIX of the Revised Code.

COUNT THIRTY-FIVE

On or about April 29, 1999, Houser solicited and sold an annuity purportedly issued by American Life to Herman and Twila Wagner. Houser collected a premium from Mr. and Mrs. Wagner in the amount of ten thousand dollars (\$10,000.00) but failed to obtain the annuity from American Life or return the premium to Mr. and Mrs. Wagner. Pursuant to R.C. 3905.49(B)(3), the Superintendent may revoke any license as an agent for misappropriating or converting to one's own use any moneys belonging to policyholders, prospective policyholders, beneficiaries, insurance companies, or others received in the course of that person's insurance business.

COUNT THIRTY-SIX

The allegations contained in Count Thirty-Five are hereby incorporated as if fully rewritten herein. On or about April 29, 1999, Houser issued a fictitious annuity certificate purportedly from American Life to Mr. and Mrs. Wagner. In the conduct of his affairs under a license, Houser has used unfair trade acts or practices in violation of R.C. 3901.20 as defined in R.C. 3901.21(A). Pursuant to R.C. 3905.49(B)(8), the Superintendent may revoke any license as an agent for committing an unfair trade act or practice under any section of Title XXXIX of the Revised Code.

COUNT THIRTY-SEVEN

The allegations contained in Counts 1, 5, 7, 9, 11, 13, 15, 19, 21, 23, 25, 27, 29, 31, 33, and 35 are hereby incorporated as if fully rewritten herein. In the course of soliciting and selling annuities to the above-referenced individuals, these individuals filled out applications with American Life. Houser never submitted these applications to American Life. Pursuant to R.C. 3905.49(B)(4), the Superintendent may revoke any license as an agent for failing to timely submit an application for insurance.

COUNT THIRTY-EIGHT

The allegations contained in Counts 1-36 are hereby incorporated as if fully rewritten herein. Pursuant to R.C. 3905.49(B)(5), the Superintendent may revoke any license as an agent for knowingly misrepresenting the terms, benefits, value, cost, or effective dates of any actual or proposed insurance policy or contract.

COUNT THIRTY-NINE

The allegations contained in Counts 1-37 are hereby incorporated as if fully rewritten herein. Pursuant to R.C. 3905.49(B)(18), the Superintendent may revoke any license as an agent for engaging in any fraudulent or coercive practice in connection with the business of insurance.

COUNT FORTY

Beginning in or about 1999, Houser through his agency, HCH Insurance Agency, Inc., aka Houser Insurance Agency, caused a misleading advertisement to be run in the *Muskingham Valley Review* paper. In the conduct of his affairs under a license, Houser has used unfair trade acts or practices in violation of R.C. 3901.20 as defined in R.C. 3901.21(B). Pursuant to R.C. 3905.49(B)(8), the Superintendent may revoke any license as an agent for committing an unfair trade act or practice under any section of Title XXXIX of the Revised Code.

Houser is hereby notified that he may request a hearing pursuant to R.C. Chapter 119.

The request for a hearing must be made to the Department within thirty (30) days of the mailing of this Notice. The request should be in writing and directed to:

Sharon Green
Hearing Administrator
Ohio Department of Insurance
2100 Stella Court
Columbus, Ohio 43215-1067

At the hearing, Houser may appear in person, by his attorney, or by such other representative as is permitted to practice before the agency, or he may present his position, arguments or contentions in writing and, at the hearing, he may present evidence and examine witnesses appearing for or against him.

If Houser does not timely request a hearing, an order revoking his license shall be issued.

J. LEE COVINGTON II
Superintendent of Insurance

DATED: March 13, 2001
Columbus, Ohio

By: Melissa L. Hull
Melissa L. Hull
Staff Counsel

STATE OF OHIO
DEPARTMENT OF INSURANCE
2100 Stella Court
Columbus, Ohio 43215-1067

IN RE:

HCH INSURANCE AGENCY, INC.
AKA HOUSER INSURANCE AGENCY
368 DIETZ SHOPPING CENTER
BOX 368
BEVERLY, OHIO 45715

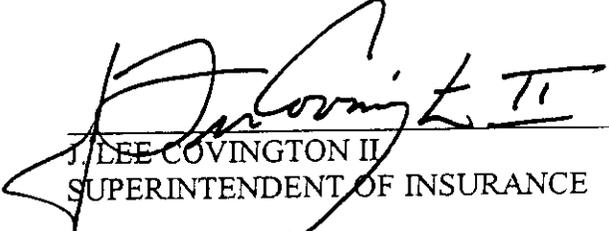
ORDER TO
CEASE AND DESIST

Upon investigation, the Superintendent has been advised that HCH Insurance Agency, Inc., aka Houser Insurance Agency ("HCH"), an Ohio corporation with its principal office located at 368 Dietz Shopping Center, Box 368, Beverly, Ohio has been engaging in unfair and deceptive acts which have caused substantial and material harm.

It is alleged that HCH has caused to be placed in the *Muskingum Valley Review*, and other newspapers as yet unnamed, an advertisement without disclosing the fact that HCH was soliciting for an annuity. See Exhibit A. It is further alleged that such advertisement is untrue, deceptive and misleading in that HCH is required to disclose that it is engaging in selling annuities. Pursuant to Ohio Revised Code ("R.C.") 3901.21(B), such conduct is defined as an unfair and deceptive act and is prohibited by R.C. 3901.20. Such conduct is also a violation of Ohio Administrative Code ("O.A.C.") 3901-6-01(D) and (E)(8), (35), and (38). In addition, such conduct is also in violation of O.A.C. 3901-1-47(C).

PURSUANT TO R.C. 3901.221, HCH IS HEREBY ORDERED TO IMMEDIATELY CEASE AND DESIST FROM ADVERTISING ANNUITIES unless and until it complies with the rules and regulations listed above. A hearing to determine the continuation or revocation of this Order shall be held on March 28, 2001 at 10:00 a.m. at the Ohio Department of Insurance, 2100 Stella Court, Columbus, Ohio 43215-1067. However, in order to more effectively conduct its own business, the hearing has been continued, upon its own motion, to a date as yet to be determined. You will be notified of the reschedule date via certified mail in the near future.

March 22, 2001
Date


J. LEE COVINGTON II
SUPERINTENDENT OF INSURANCE

**CD
MATURING?
13.2%**

* Rate subject to change without notice

- **GUARANTEE 1 YR.**
- **MINIMUM \$5,000**

**ALSO AVAILABLE FOR:
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DIRECT ROLLOVERS AND
TRANSFERS**

Call 740-984-2393

**Houser Insurance Agency/
Houser Financial Services**
Deitz Shopping Center
Beverly, OH 45715



EXHIBIT A