

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

IN RE:	:	
SUITABILITY OF ABIGAIL BOWER	:	NOTICE OF OPPORTUNITY
DOB 2/22/69	:	FOR HEARING
TO BE LICENSED AS AN	:	
INSURANCE AGENT IN THE	:	
STATE OF OHIO	:	

Abigail Bower (“Bower”) currently holds an insurance agent license in the State of Ohio.

The Superintendent has conducted an investigation of the insurance activities of Bower and, as a result of such investigation, alleges that Bower, individually and/or in conjunction with Baron Insurance Agency, Ltd. (collectively referred to as “Bower”), has committed violations of the insurance laws and regulations of this state and that she is not suitable to be an insurance agent.

In accordance with Chapter 119 and Title 39 of the Ohio Revised Code (“R.C.”), Bower is hereby notified that the Superintendent of Insurance intends to suspend, revoke, or refuse to renew her license as an insurance agent in the State of Ohio and/or impose any other penalty authorized pursuant to R.C. 3905.49(D). The grounds for such action are alleged below.

COUNT ONE

On or about May 4, 1999, Bower issued an insurance binder to Carl Venzeio purportedly for commercial general liability insurance with “Penn-American” (*sic*) Insurance Company. Bower failed to obtain insurance. Pursuant to R.C. 3905.49(B)(5), the Superintendent may suspend, revoke, or refuse to renew a license as an insurance agent for knowingly misrepresenting the terms of any actual or proposed insurance policy or contract.

COUNT TWO

The allegations contained in Count One are hereby incorporated by reference as if fully rewritten herein. Bower failed to disclose that she was not appointed by Penn-America Insurance Company to the Venzeios. Pursuant to R.C.

3905.49(B)(12), the Superintendent may suspend, revoke, or refuse to renew any license as an agent for failing to disclose to an applicant for insurance or policyholder upon accepting a premium or order to bind coverage from the applicant or policyholder, that the person has not been appointed as an agent by the insurer.

COUNT THREE

On or about May 7, 1999, Bower collected an insurance premium from Carl and Theresa Venzeio in the amount of eight hundred sixty-seven dollars and forty cents (\$867.40) but failed to remit the payment to an insurance company or return it to the Venzeios. Pursuant to R.C. 3905.49(B)(3), the Superintendent may suspend, revoke, or refuse to renew any license as an agent for misappropriating or converting to one's own use any monies belonging to policyholders, prospective policyholders, beneficiaries, insurance companies, or others received in the course of the person's insurance business.

COUNT FOUR

On or about August 2, 1999, Bower collected an insurance premium from the Venzeios in the amount of eight hundred fifty-eight dollars (\$858.00) but failed to remit the payment to an insurance company or return it to the Venzeios. Pursuant to R.C. 3905.49(B)(3), the Superintendent may suspend, revoke, or refuse to renew any license as an agent for misappropriating or converting to one's own use any monies belonging to policyholders, prospective policyholders, beneficiaries, insurance companies, or others received in the course of the person's insurance business.

COUNT FIVE

On or about June 23, 1999, Bower collected an insurance premium from Deb and Robert Less, Advanced Home Buyers, Inc. ("Advanced Home Buyers") in the amount of one thousand four hundred dollars (\$1,400.00) but failed to remit the payment to an insurance company or return it to Advanced Home Buyers. Pursuant to R.C. 3905.49(B)(3), the Superintendent may suspend, revoke, or refuse to renew any license as an agent for misappropriating or converting to one's own use any monies belonging to policyholders, prospective policyholders, beneficiaries, insurance companies, or others received in the course of the person's insurance business.

COUNT SIX

On or about November 9, 1999, Bower collected an insurance premium from Advanced Home Buyers in the amount of one thousand six hundred ninety-nine dollars and twenty-four cents (\$1,699.24) but failed to remit the payment to an insurance company or return it to Advanced Home Buyers. Pursuant to R.C.

3905.49(B)(3), the Superintendent may suspend, revoke, or refuse to renew any license as an agent for misappropriating or converting to one's own use any monies belonging to policyholders, prospective policyholders, beneficiaries, insurance companies, or others received in the course of the person's insurance business.

COUNT SEVEN

On or about August 25, 1999, Bower collected an insurance premium from Jack Colantone, Melrose Place II, Ltd. ("Melrose Place") in the amount of four thousand eight dollars and nine cents (\$4008.09) but failed to remit the payment to an insurance company or returned the premium payment to Melrose Place. Pursuant to R.C. 3905.49(B)(3), the Superintendent may suspend, revoke, or refuse to renew any license as an agent for misappropriating or converting to one's own use any monies belonging to policyholders, prospective policyholders, beneficiaries, insurance companies, or others received in the course of the person's insurance business.

COUNT EIGHT

On or about September 29, 1999, Reliable Title Agency, Inc. issued a check to Baron Insurance Agency in the amount of two hundred sixty-eight dollars (\$268.00) for an insurance premium payment for Jolene and Eugene Kelson. Bower failed to obtain insurance coverage or return the premium payment. Pursuant to R.C. 3905.49(B)(3), the Superintendent may suspend, revoke, or refuse to renew any license as an agent for misappropriating or converting to one's own use any monies belonging to policyholders, prospective policyholders, beneficiaries, insurance companies, or others received in the course of the person's insurance business.

COUNT NINE

The allegations contained in Counts One through Eight are hereby incorporated by reference as if fully written herein. Pursuant to R.C. 3905.49(B)(18), the Superintendent may suspend, revoke, or refuse to renew any license as an agent for engaging in any fraudulent, dishonest, or coercive practice in connection with the business of insurance.

Bower is hereby notified that she may request a hearing pursuant to R.C. Chapter 119.

The request for a hearing must be made to and received by 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, Bower may appear in person, by her attorney, or by such other representative as is permitted to practice before the agency, or she may present her position, arguments or contentions in writing and, at the hearing, she may present evidence and examine witnesses appearing for or against her.

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

J. LEE COVINGTON II
Superintendent of Insurance

DATED: September 6, 2001
Columbus, Ohio

By:



Melissa L. Hull
Staff Counsel