

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

**In Re: John P. Sivels
Docket No.: Ins. No. 22-022-EP**

CONSENT ORDER

This Consent Order is made between the New Hampshire Insurance Department (“NHID”) and John P. Sivels (“Respondent”), the terms of which are as follows:

FINDINGS OF FACT

1. Respondent is a non-resident insurance producer with a former business address of 330 N. Wabash Avenue, Suite 39300, Chicago, IL 60611-5885.
2. On or about August 6, 2021, a customer informed Respondent’s prior employer that Respondent accessed the customer’s bank account and withdrew \$41.67 for his personal use. The customer did not authorize this withdrawal and it was done without the customer’s knowledge.
3. On or about October 11, 2021, a customer informed Respondent’s prior employer that Respondent accessed the customer’s bank account and withdrew \$400 for his personal use. The customer did not authorize this withdrawal and it was done without the customer’s knowledge.
4. Respondent’s producer appointments with two insurance companies were terminated for cause as a direct result of the unauthorized withdrawals from customer accounts and using the funds for his personal use.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact and the applicable provisions of law, the NHID concludes and finds the following Conclusions of Law:

- a. Respondent is subject to the jurisdiction of the NHID;
- b. Respondent violated NH RSA 402-J:12, I (h) by using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere when he withdrew money from a customer bank account without approval or authorization for his own personal use; and
- c. Respondent violated NH RSA 402-J:12 I (d) by improperly withholding, misappropriating, or converting any monies or properties in the course of doing insurance business when he withdrew money from a customer bank account without approval or authorization for his own personal use.

ORDER

WHEREFORE, the NHID orders and Respondent consents to the following:

- a. The Respondent waives all rights to a formal administrative hearing in this matter and agrees that this Consent Order shall have the full force and effect of an Order fully entered in accordance with the adjudicatory procedure provided for in RSA Chapter 541-A and Ins Part 200.
- b. For the purposes of resolving this matter without a formal administrative hearing, Respondent agrees to revocation of his New Hampshire non-resident insurance producer license.
- c. In the event that Respondent fails to meet any of the terms set forth in this section, the NHID may institute further administrative proceedings under the authority of RSA 400-A:15, III or any other applicable law.

- d. By entering into this Consent Order, the NHID and the Respondent intend to fully resolve all issues relating to the above-mentioned matters. This Consent Order shall be deemed a complete settlement and full and final resolution and is in lieu of any other action(s) that has and could have been brought by the NHID relating to these matters. Provided however, notwithstanding the foregoing, the NHID may take any and all appropriate actions should the Respondent violate any provision of the State's insurance laws in the future.
- e. This Consent Order shall be fully enforceable in any Superior Court in the State of New Hampshire, and any actions to enforce this Consent Order shall be governed by the laws of the State of New Hampshire.
- f. This Consent Order is considered a public regulatory action and will be reported to the National Association of Insurance Commissioners. The Respondent must, in the future, answer "YES" to any question which asks "have you ever been named or involved as party in an administrative proceeding" or any substantially similar question.

IT IS SO ORDERED.

NEW HAMPSHIRE INSURANCE DEPARTMENT

Date: 4-26-22


Christopher Nicolopoulos, Commissioner

Date: 4-22-22


John P. Sivels, Respondent