

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 11-BD-002
))
3 State of New Hampshire Banking)
))
4 Department,)
) Cease and Desist Order
5 Petitioner,)
))
6 and)
))
7 The Hartford (d/b/a Hartford Life)
))
8 Insurance Companies, Hartford Life)
))
9 and Annuity Company, and Hartford)
))
10 Financial Services Group, Inc.), Ruel)
))
11 Insurance Agency, and Steven Ruel,)
))
12 Respondents)

13 NOTICE OF CEASE AND DESIST ORDER

14 This Cease and Desist Order (hereinafter "Order") commences an
15 adjudicative proceeding under the provisions of RSA 384:12-a, RSA 384:67 and
16 RSA 384:68 in conformity with RSA 541-A:31 through RSA 541-A:36.

17 LEGAL AUTHORITY AND JURISDICTION

18 Pursuant to RSA 383:9 ("Duties"), banks shall be under the control and
19 supervision of the Bank Commissioner (hereinafter "the Commissioner"). Many
20 of the powers now vested in the Commissioner are listed in RSA Chapter 384,
21 entitled "General Provisions As To Savings Banks, Trust Companies, And
22 Depositories".

23 Pursuant to RSA 384:12-a ("Cease and Desist Order"), IV, if, in the
24 opinion of the Commissioner, an individual or business entity is engaging in
25 or has engaged in any act or conduct in violation of RSA 384:67, the

1 Commissioner may issue and serve an order upon the individual or business
2 entity requiring the individual or business entity to cease and desist from
3 such act or conduct.

4 Pursuant to RSA 384:68 ("Enforcement"), the Commissioner may issue a
5 cease and desist order, as provided in RSA 384:12-a, IV, against any
6 individual or business entity which engages in any act or conduct in
7 violation of RSA 384:67 involving a financial institution in New Hampshire
8 and may bring legal action to enforce the order.

9 Pursuant to RSA 383:10-d ("Consumer Complaints and Restitution"), the
10 Commissioner shall have exclusive authority and jurisdiction to investigate
11 conduct that is or may be an unfair or deceptive act or practice that may
12 violate any of the provisions of Titles XXXV and XXXVI and administrative
13 rules adopted thereunder and RSA 358-A. The Commissioner may hold hearings
14 relative to such conduct and may order restitution for a person or persons
15 adversely affected by such conduct.

16 **NOTICE OF RIGHT TO REQUEST A HEARING**

17 The above-named Respondents or any interested party has the right to
18 petition for a hearing on this Cease and Desist Order (hereinafter "Order"),
19 as well as the right to be represented by counsel. If the above named
20 Respondents to whom this Order is issued, or any interested party, fail to
21 request a hearing within 30 calendar days of receipt of such Order, then such
22 person shall be deemed in default, and the Order shall, on the thirty-first
23 day, become permanent and shall remain in full force and effect until and
24 unless later modified or vacated by the Commissioner, for good cause shown.
25 Any such request for a hearing shall be in writing, signed by the Respondents

1 or by the duly authorized agent of the above named Respondents, and shall be
2 delivered either by hand or certified mail, return receipt requested, to the
3 Banking Department, State of New Hampshire, 53 Regional Drive, Suite 200,
4 Concord, NH 03301.

5 A hearing shall be held not later than 10 days after the petition for
6 such hearing is received by the Commissioner. Within 20 days of the date of
7 any such hearing, the Commissioner shall issue a further order either vacating
8 this Order or making it permanent as the facts require. All hearings shall
9 comply with RSA 541-A. If the person to whom this Order is issued fails to
10 appear at the petitioned hearing after being duly notified of the date and
11 time, such business entity shall be deemed in default, and the proceeding may
12 be determined against it upon consideration of this Order, the allegations of
13 which may be deemed to be true.

14 **STATEMENT OF ALLEGATIONS, APPLICABLE LAW, AND RELIEF REQUESTED**

15 The Staff Petition dated April 21, 2011 (a copy of which is attached
16 hereto) is incorporated by reference herein.

17 **ORDER**

18 WHEREAS, finding it necessary and appropriate and in the public
19 interest, and consistent with the intent and purposes of the New Hampshire
20 banking laws, and

21 WHEREAS, finding that the allegations contained herein, if proved true
22 and correct, form the legal basis of the relief requested,

23 It is hereby ORDERED, that:

- 24 1. The Respondents shall immediately cease and desist from the
25 unauthorized and deceptive use of the full or abbreviated

1 name, trade name, service mark, or trademark of any financial
2 institution in any written, electronic, or oral advertisement
3 or solicitation for products or services;

4 2. The Respondents shall immediately cease and desist from
5 including loan information relative to a specifically
6 identified consumer that is publicly available in:

7 a. any written or electronic solicitation when the
8 advertisement or solicitation does not clearly and
9 conspicuously state on the front page or introduction in
10 bold-faced type in the same font size as is
11 predominantly used in the advertisement or solicitation
12 disclosing that such individual or business entity is
13 not sponsored by or affiliated with, and that such
14 solicitation is not authorized by, the financial
15 institution and that the information was retrieved from
16 public records, or

17 b. an oral solicitation when the same disclosure is not
18 made at the beginning of the solicitation; and

19 3. Failure to request a hearing within 30 days of the date of
20 receipt of this Order shall result in a default judgment being
21 rendered.

22 SO ORDERED,

23
24 Dated: 4/21/11

25 _____
/s/
Robert A. Fleury
Deputy Bank Commissioner

1 State of New Hampshire Banking Department

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3 In re the Matter of:) Case No.: 11-BD-002
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 4 State of New Hampshire Banking)
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) Staff Petition
 6 Petitioner,)
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 8 The Hartford (d/b/a Hartford Life) April 21, 2011
)
 9 Insurance Companies, Hartford Life)
)
 10 and Annuity Company, and Hartford)
)
 11 Financial Services Group, Inc.), Ruel)
)
 12 Insurance Agency, and Steven Ruel,)
)
 13 Respondents)
)

14
15 STATEMENT OF ALLEGATIONS

16 The staff of the Banking Department, State of New Hampshire (hereinafter
17 referred to as the "Department") alleges the following facts:

- 18 1. On or about February 11, 2010, the Department received a written
 19 communication from a New Hampshire state-chartered bank ("Bank A")
 20 regarding one solicitation for insurance from Respondents The Hartford
 21 (d/b/a Hartford Life Insurance Companies, Hartford Life and Annuity
 22 Company, and Hartford Financial Services Group, Inc.), Ruel Insurance
 23 Agency, and Steve Ruel (collectively known as the "Respondents").
- 24 2. On or about March 17, 2011, the Department received a written
 25 communication from a second New Hampshire state-chartered bank

1 ("Bank B") regarding one solicitation for insurance from the
2 Respondents.

3 3. The two solicitations are identical as to style and format. Both are
4 written in letter format to the consumer and are addressed and signed
5 by Steve Ruel, Manager, Steve Ruel Insurance.

6 4. Respondents' solicitations reference the names of Bank A or Bank B
7 twice on the solicitation itself:

8 a. The first paragraph states "Our records indicate that as a
9 homeowner, you have not taken advantage of the MORTGAGE
10 PROTECTION PLAN for your mortgage with [Bank A] or [Bank
11 B]",

12 b. The bottom of the detachable response slip states "Lender:
13 [Bank A] or [Bank B] Loan Amount: [\$XXX,XXX]".

14 5. Respondents did not receive any authorization (written or otherwise) to
15 use the full or abbreviated name, trade name, service mark, or
16 trademark of Bank A or Bank B.

17 6. Respondents' solicitations further advise that benefits can include:

18 a. If you or your spouse dies, your [loan amount] mortgage can
19 be paid off and the home left free and clear for your
20 family,

21 b. When you live to the end of your mortgage, based on current
22 values, you can receive a lump sum amount equal to every
23 penny paid to the policy,

24 c. If your spouse becomes totally disabled from either
25 accident or sickness, the plan can provide funds you can

1 use to make your monthly mortgage payment.

2 7. The Business Reply envelope/consumer response envelope lists a return
3 address of 6820 Wedgwood Road N., Maple Grove, MN 55311-9910 under the
4 company name Hartford Life Insurance Companies.

5 8. Each solicitation states "represented by Ruel Insurance, PO Box 494,
6 Mattapoisett, MA 02739; 508-291-3338."

7 9. The logo for The Hartford appears in the upper right-hand corner of the
8 solicitations.

9 10. Each solicitation states "Hartford Life and Annuity Insurance Company
10 is a member of the Hartford Financial Services Group, Inc. and is not
11 affiliated with any lending institution."

12 11. The Hartford's website specifically states: "The Hartford is The
13 Hartford Financial Services Group, Inc. and its subsidiaries,
14 including the issuing companies of Hartford Life Insurance Company
15 (HLI) (New York) and Hartford Life and Annuity Insurance Company (HLA)
16 (Outside New York), Simsbury, CT. The mailing address for both
17 issuers is 2999, Hartford, CT 06104-2999."

18 12. An internet search of "6820 Wedgwood Road N., Maple Grove, MN 55311-
19 9910" revealed that Hartford Life Insurance is located at this
20 address.

21 13. The phone number for Ruel Insurance listed on the solicitation is 508-
22 291-3338. A Google internet search of "508-291-3338" revealed that the
23 phone number is listed for the following:

24 a. Ruel Insurance Agency, 4 Wilson Street, Wareham, MA 02571

25 b. Ruel Insurance Agency, 72 Main Street, Wareham, MA 02571

1 c. Ruel Insurance Agency, 2510 Cranberry Hwy, Wareham, MA
2 02571

3 14. A Google internet search for "Ruel Insurance Agency" reveals the
4 company is located at the following locations:

5 a. 2510 Cranberry Hwy, Wareham, MA 02571

6 b. 2510 Cranberry Hwy, Suite 5, Wareham, MA 02571-1019

7 c. 4 Wilson Street, Wareham, MA 02571

8 d. 72 Main Street, Wareham, MA 02751

9 ISSUES OF LAW

10 The staff of the Department alleges the following issues of law:

11 1. The Department re-alleges the above-stated facts in paragraphs 1
12 through 14.

13 2. The Department has jurisdiction over state-chartered banks and credit
14 unions pursuant to RSA 383:9 ("Duties").

15 3. Pursuant to RSA 384:12-a, IV ("Cease and Desist Order"), the Bank
16 Commissioner (hereinafter "Commissioner") may issue and serve upon an
17 individual or business entity a Cease and Desist Order for any act or
18 conduct that is in violation of RSA 384:67 ("Unauthorized and Deceptive
19 Use").

20 4. Pursuant to RSA 384:68 ("Enforcement"), the Commissioner may issue a
21 Cease and Desist Order against any individual or business entity which
22 engages in any act or conduct that violates RSA 384:67 involving a
23 financial institution in New Hampshire and may bring legal action to
24 enforce the order.

25 5. Pursuant to RSA 384:67, I (a), no individual or business entity shall,

1 without the prior written authorization of a financial institution,
2 "use the full or abbreviated name, trade name, service mark, or
3 trademark of any financial institution in any written, electronic, or
4 oral advertisement or solicitation for products and services."

5 6. Respondents used the name of two state-chartered institutions in their
6 solicitations without permission from the institutions and thus
7 violated RSA 384:67, I (a).

8 **RELIEF REQUESTED**

9 The staff of the Department requests the Commissioner take the following
10 action:

- 11 1. Find as fact the allegations contained in Section I of the Statement of
12 Allegations of this Petition.
- 13 2. Make conclusions of law relative to the allegations contained in Section
14 II of the Statement of Allegations (Issues of Law) of this Petition.
15 Conclude that Respondents violated RSA 384:67 on at least two
16 occasions.
- 17 3. Pursuant to RSA 384:12-a, IV, order Respondents to immediately Cease and
18 Desist from any violations of RSA 384:67.
- 19 4. Pursuant to RSA 384:68, order all above mentioned Respondents to
20 immediately Cease and Desist from any violations of RSA 384:67.
- 21 5. Take such other legal administrative and legal actions as are necessary
22 for enforcement of the New Hampshire banking laws, the protection of
23 New Hampshire citizens, and to provide other equitable relief.

24 **RIGHT TO AMEND**

25 The Department reserves the right to amend this Petition for Relief and to

