

STATE OF NEW HAMPSHIRE

INSURANCE DEPARTMENT

In re: Leticia A. Kohnen

Docket No.: INS No. 16-023-EP

ORDER TO SHOW CAUSE

AND

NOTICE OF HEARING

The New Hampshire Insurance Department (“NHID”) orders Leticia A. Kohnen (“Respondent”) to show cause why the NHID should not revoke or suspend her New Hampshire insurance producer license, or levy an administrative fine, or both. In support of the Order to Show Cause and pursuant to RSA 541-A:31, RSA 400-A:17 and Ins Part 200, the NHID states as follows:

STATEMENT OF FACTS

1. The Respondent is a New Hampshire non-resident insurance producer licensed to sell Life and Accident & Health insurance in New Hampshire. Her New Hampshire producer license expires on February 28, 2017.
2. The Respondent submitted her initial application for licensure to the NHID through the National Insurance Producer Registry (“NIPR”) on or about October 27, 2015. At that time, her non-resident producer license was approved.
3. As part of the licensing process the Respondent attested to the fact that she understood and would comply with the laws of New Hampshire.
4. Background Question 7 of the application asks: “Do you have a child support obligation in arrearage?” The Respondent answered “No” to this question.

5. In fact, the Respondent should have answered Question 7 in the affirmative. Specifically, public records of the Santa Clara County Department of Child Support Services in San Antonio, Texas establish that as of August 31, 2015 the Respondent had an outstanding child support arrearage of \$15,569.29. Moreover, records from the Respondent's employer further establish that child support payments were still being withheld from the Respondent's pay at the time she submitted her application for licensure in New Hampshire.

STATEMENT OF ISSUES

6. Whether the Respondent violated RSA 402-J:12, I, (a) by failing to disclose her outstanding child support arrearage on her application for licensure.

7. Whether the Respondent's failure to disclose her outstanding child support arrearage on her application for licensure demonstrates untrustworthiness in the conduct of business in violation of RSA 402-J:12, I, (h).

8. The NHID reserves the right to amend this statement of issues upon reasonable notice to the Commissioner (or his designated Representative) and the Respondent.

NEW HAMPSHIRE INSURANCE LAWS VIOLATED BY RESPONDENT

9. The NHID maintains the Respondent violated the following New Hampshire insurance law statutes: RSA 402-J:12, I (a); and RSA 402-J:12, I (h).

10. The NHID reserves the right to amend this list of insurance laws violated by the Respondent upon reasonable notice to the Commissioner (or his designated Representative) and the Respondent.

PENALTY REQUESTED

11. In the event the Hearing Officer determines after evidentiary hearing that the NHID sustained its burden of proof with respect to the allegations of fact and violations of law

outlined above, the NHID requests that the Hearing Officer impose the following sanctions on the Respondent:

- a. Order revocation of the Respondent's New Hampshire insurance producer license; and
- b. Order the Respondent to pay a fine in the amount of \$2500 per violation, for a total fine of \$5000.

NOTICE OF HEARING

A. Pursuant to RSA 541-A:31 and Ins Part 200, the hearing in this matter shall commence on September 27, 2016 at 9:00 a.m. at the offices of the Department, which are located at 21 South Fruit Street, Suite 14 in Concord, New Hampshire.

B. Heather Silverstein shall preside as the Hearing Officer in this matter.

Sarah Prescott shall serve as clerk to the Hearing Officer. The parties should direct all communications to Ms. Prescott, whose contact information is:

Sarah Prescott, Clerk
New Hampshire Insurance Department
21 South Fruit Street, Suite 14
Concord, NH 03301
Tel: (603) 271-2261
Fax: (603)271-1406
Email: sarah.prescott@ins.nh.gov

C. The Respondent has the right to be represented by a lawyer in this proceeding. However, the Respondent shall bear the cost of retaining said lawyer. Should the Respondent elect to retain a lawyer, her lawyer shall file a Notice of Appearance with Ms. Prescott, and said lawyer should do so at the earliest possible date. A copy of the Department's Notice of Appearance is enclosed with this Order.

D. Any party may request a transcript of the proceeding. The party requesting a transcript of the proceedings shall file a written request for a certified court reporter with the Hearing Officer at least 10 days prior to the scheduled hearing date. The costs incurred for the services of a certified court reporter shall be borne by the requesting party.

E. Richard P. McCaffrey, Esq. and Mary C. Bleier, Esq. shall serve as staff advocates representing the interests of the NHID.

It is **SO ORDERED**.

NEW HAMPSHIRE INSURANCE DEPARTMENT

Date:

8-22-16



Roger A. Sevigny, Insurance Commissioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Order to Show Cause and Notice of Hearing was sent this date by first-class mail, postage prepaid, and by certified mail, return receipt requested, to Leticia A. Kohlen, 10940 Laureate Drive No 12, San Antonio, TX 78249 this being his mailing address on file with the Department.

Date: 8.22.16



Carolyn R. Petersen
Paralegal