

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**



In Re: Sean P. McGonagle

Docket No.: Ins. No. 15-069-EP

Consent Order and Settlement Agreement

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

1. The Respondent is a New Hampshire resident insurance producer licensed to sell Life and Accident and Health Insurance in New Hampshire.
2. As part of the licensing process he attested to the fact that he understood and would comply with the laws of New Hampshire.
3. NH RSA 402-J:12, I, (a) states that, “the commissioner may place on probation, suspend, revoke, or refuse to issue or renew an insurance producer's license, or may levy a penalty in or may levy a penalty in accordance with RSA 400-A:15, III or any combination of actions” for “providing incorrect, misleading, incomplete, or materially untrue information in the license application.”
4. Background Question 1A of the insurance application states: “Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor?” The Respondent answered “NO” to this question when in fact he has been convicted of two drug-related misdemeanors, the first in 2009 and the second in 2013.
5. NH RSA 400-A:16 II requires that, “any individual or entity who transacts insurance in this state or is otherwise subject to the authority of the commissioner shall,

upon request of the commissioner, provide the commissioner with all documents and information relevant to any investigation under this section within 10 working days, or shall request within the 10 working-day period, for good cause shown, additional time to respond.

6. On March 30, 2015 the NHID contacted the Respondent by correspondence attempting to schedule an interview to discuss his failure to disclose his drug convictions on his application for licensure. The Respondent never contacted the NHID.

7. Following up on the March 30, 2015 correspondence, Enforcement Division examiner Donald L. Belanger contacted the Respondent via telephone on April 29, 2015 advising him to contact the NHID no later than May 13, 2015 to schedule the interview. Mr. Belanger confirmed this telephone discussion the following day by an email, to which was attached the March 30, 2015 NHID letter that the Respondent had denied receiving. The email address Mr. Belanger used was the email address the Respondent included on his application for licensure. Although Mr. Belanger communicated with the Respondent by telephone and email, the Respondent again failed to contact the NHID to schedule the requested interview.

WHEREFORE, for the purpose of resolving the above-referenced matter and in lieu of further administrative proceedings, the NHID and the Respondent have reached an agreement as follows:

A. The foregoing recitals are hereby adopted, incorporated and made a part of this consent Order and Settlement Agreement.

B. The Respondent acknowledges that an adjudicative hearing in this matter was conducted at the offices of the NHID on January 12, 2016. The Respondent

understands that by entering this Consent Order he is forever waiving his statutory right to have this matter decided by order of the Commissioner.

C. The Respondent admits to violating RSA 402-J:12, I, (a) and RSA 400-A:16.

D. The Respondent agrees to pay a fine in the amount of \$500.00 (Five-hundred dollars). Payment in full shall be due upon the Respondent's execution of this Consent Order. The settlement check shall be made payable to: "Treasurer, State of New Hampshire."

E. The Respondent further agrees that his New Hampshire resident insurance producer license shall be revoked.

F. By entering into this Consent Order, the NHID and the Respondent intend to 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 that could have been brought by the NHID relating to matters disclosed herein. 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.

G. This Order shall be construed and enforced in accordance with, and governed by, the laws of the State of New Hampshire without regard to principles of conflict of laws.

IT IS SO ORDERED.

NEW HAMPSHIRE INSURANCE DEPARTMENT

Date: 1-22-15



Roger A. Sevigny, Commissioner

Date: 1/16/16



Sean P. McGonagle