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STATE OF NEW HAMPSHIRE  
INSURANCE DEPARTMENT

In Re: Jeffery A. Francis

Docket No.: INS No. 06-004-EP

NOTICE OF HEARING

Pursuant to RSA 400-A:17, and upon the petition of Jeffery A. Francis ("Petitioner"), notice is hereby provided that a hearing shall be held on February 28, 2005 at 10:00 a.m. at the offices of the New Hampshire Insurance Department ("Department"), 21 South Fruit Street, Suite 14, Concord, New Hampshire, to provide the Petitioner with the opportunity to show why his license application should not be denied.

The Petitioner submitted a non-resident insurance producer license application to the Department on January 24, 2006. In the application, the Petitioner stated that he had previously been convicted of a crime. The Petitioner provided documentation that indicated the Petitioner had been convicted of three felonies in Maine, two counts of manslaughter and operating under the influence. The Department denied the Petitioner's application in a letter dated October 4, 2005, citing RSA 402-J:12, I (f) as the reason for the denial. That statute states:

I. 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 accordance with RSA 400-A:15, III or any combination of actions for any one or more of the following causes:

(f) Having been convicted of a felony.

Within the denial letter, the Petitioner was informed of his right to have a hearing on the reasonableness of the denial. Under RSA 400-A:17, the Petitioner must file for this hearing within 30 days after receipt of notice of the Department's action. The Petitioner received the Department's written determination on February 1, 2005 and filed for this hearing on February 2, 2005. The petition was filed within the 30-day time frame.

Petitioner has the right to have an attorney present to represent his interest, or the Petitioner may represent himself. If the Petitioner elects to be represented by counsel, Petitioner's counsel shall file a notice of appearance at the earliest possible date. If the Petitioner desires a transcript of the proceedings, the costs incurred for the services of a certified court reporter shall be borne by the Petitioner.

The Commissioner appoints the Department's Legal Counsel, or another employee of the Department as provided by Department regulations, as the Hearing Officer. John Talley, Enforcement Examiner, shall serve as the Department's Hearing Counsel in this matter,

with the authority to represent the public interest within the scope of the Department's authority. The Hearing Counsel shall have the status of a party to this proceeding.

All documents shall be filed with the Hearing Officer in the form of an original and one (1) copy and shall bear a certification that a copy has been delivered to all other parties to this matter in accordance with New Hampshire Code of Administrative Rules Ins. 204.09. Filings by facsimile or electronic transmission shall not be accepted and shall not constitute a filing.

The Petitioner shall submit exhibits, including an accompanying list/index of all exhibits, and witness lists accompanied by a brief summary of the witness's testimony, no later than 2 business days prior to the hearing. Petitioner's exhibits shall be pre-marked for identification with capital letters.

At the conclusion of the hearing, the Hearing Officer may order the Petitioner and/or the Hearing Counsel to file proposed findings of fact and conclusions of law and/or proposed orders.

The burden of proof, by a preponderance of the evidence, shall be borne by the Petitioner. The Petitioner's failure to appear at the time, date and place specified herein shall result in the hearing being held *in absentia* and/or a default ruling in favor of the Department, without further notice or opportunity to be heard.

These proceedings shall be conducted in accordance with the provisions RSA 541-A: 31 through 38 and New Hampshire Code of Administrative Rules Ins 200. A copy of these Administrative Rules may be obtained through the Department's website, [www.state.nh.us/insurance](http://www.state.nh.us/insurance).

It is SO ORDERED.

NEW HAMPSHIRE INSURANCE DEPARTMENT

Dated: 2-15-06

  
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Roger Sevigny, Commissioner