

STATE OF NEW HAMPSHIRE

INSURANCE DEPARTMENT

In Re: Thomas F. DeSteph d/b/a The DeSteph Agency

INS No. 11-023-EP

NHID'S OBJECTION TO RESPONDENT'S MOTION FOR REHEARING

The New Hampshire Insurance Department ("NHID") objects to the Motion for Rehearing submitted by the Respondent, Thomas F. DeSteph ("the Respondent"). In support of this Objection, the NHID states as follows:

1. On February 23, 2012, Commissioner Roger A. Sevigny, pursuant to Ins 204.26(a)(4), accepted Hearing Officer Jennifer Patterson's Proposed Order on Hearing as the Final Order and Decision in the above-referenced matter.
2. The Respondent has now moved for a rehearing. However, the Respondent's challenge to the Final Order and Decision appears to be limited to the penalty. That is, the Respondent does not deny the findings that he violated New Hampshire insurance law by defrauding a customer, but instead challenges the revocation of his producer license. The Respondent asserts that the revocation of his license is "cruel and unreasonable" punishment.
3. Mr. DeSteph's assertion that the revocation of his license constitutes "cruel and unusual punishment" is utterly without merit. As the Hearing Officer observed in her Proposed Decision and Order, "[a] single incident, if egregious enough, may well be enough to revoke a license. Engaging in fraud involving more than \$100,000 is precisely the type of behavior that justifies revocation." (Proposed Decision and Order at p. 11). Because of the seriousness of the

Respondent's proven misconduct, the NHID requests that the Commissioner deny the Respondent's Motion and affirm the revocation of his producer license.

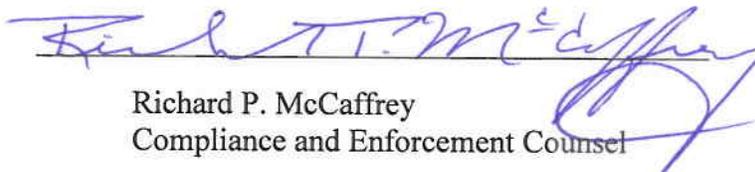
4. In the event his Motion for Rehearing is denied, the Respondent requests that the revocation of his license be held in abeyance until he can complete an appeal to the New Hampshire Supreme Court. The Commissioner should deny this request. The NHID is responsible for protecting New Hampshire consumers from unscrupulous insurance companies and the producers who sell their insurance. Based on the facts established at the hearing in this matter, the NHID would be shirking its responsibility to New Hampshire consumers if it allowed the Respondent to continue to sell insurance while he appeals to the Supreme Court. Accordingly, the NHID requests that the Commissioner deny the Respondent's request that he be allowed to retain his producer license pending appeal.

WHEREFORE, the NHID requests that the Commissioner:

- A. Deny the Respondent's Motion for Rehearing;
- B. Deny the Respondent's request that the revocation of his producer license be held in abeyance pending an appeal to the New Hampshire Supreme Court and order that the revocation of the Respondent's producer license shall remain effective pending any appeal; and
- C. Grant such other relief as may be just and fair.

Respectfully submitted,

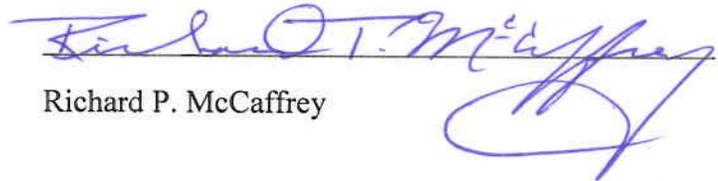
Date: March 26, 2012


Richard P. McCaffrey
Compliance and Enforcement Counsel

CERTIFICATE OF SERVICE

The undersigned certifies that a true and accurate copy of the foregoing Objection to Respondent's Motion for Rehearing was forwarded this day by email and first-class mail, postage prepaid, to Thomas F. DeSteph and Richard Samuels, Esquire, whose appearance as counsel for the Respondent remains on file with the NHID.

Date: 3/26/2012


Richard P. McCaffrey