

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

In Re: Michael Keith Arbo

Docket No.: INS No. 11-025-EP

**ORDER TO SHOW CAUSE
AND NOTICE OF HEARING**

The New Hampshire Insurance Department (“Department”) orders Michael Arbo (“Respondent”) to show cause why the New Hampshire Insurance Commissioner should not revoke his insurance producers license and impose the maximum fine allowed by law. In support of the Order to Show Cause and pursuant to RSA 541-A:31, the Department states as follows:

I. FACTS

A. The Respondent

The Respondent is a licensed New Hampshire resident insurance producer. According to the records of the Department’s Producer Licensing Division, the Respondent’s last known residential, business and mailing address was 167 South Street in Concord, New Hampshire.

B. The Misconduct

A New Hampshire consumer, Peter Spear (“Mr. Spear”) leased to the Respondent the premises located at 167 South Street in Concord, New Hampshire (“premises”). After residing at the premises for approximately a year and a half, the Respondent vacated the premises on June 30, 2011 without providing any notice or forwarding address to Mr. Spear. Moreover, at the time the Respondent vacated the premises, he owed Mr. Spear back rent and utilities totaling \$4,307.25.

Mr. Spear filed a consumer complaint with the Department on or about July 28, 2011. By correspondence dated August 10, 2011, Barbara Anderson, a Department Consumer Services Officer, requested that the Respondent contact her to discuss Mr. Spear’s complaint. Ms. Anderson sent her correspondence by first-class mail, postage prepaid, to the Respondent at 167 South Street, Concord, New Hampshire, his last known residential, business and mailing address on file with the Department’s Insurance Producer Licensing Division. However, the United States Postal Service was unable to deliver Ms. Anderson’s August 10th correspondence and returned it to her on August 22, 2011 marked, “Return to Sender, Moved Left No Address, Unable to Forward.”

By correspondence dated October 3, 2011, Richard McCaffrey, the Department's Compliance and Enforcement Counsel, directed the Respondent to respond to Ms. Anderson's earlier correspondence or face administrative action. The United States Postal Service returned Mr. McCaffrey's correspondence to him on October 5, 2011. Like Ms. Anderson's correspondence, it was also marked, "Return to Sender, Moved Left No Address, Unable to Forward."

To date, the Respondent has never provided the Department with a change of address; he has never responded to Ms. Anderson's inquiry regarding Mr. Spear's consumer complaint; and he has never paid Mr. Spear the money for back rent and utilities that Mr. Spear alleges the Respondent owes him.

II. STATEMENT OF ISSUES

- A. Whether the Respondent violated RSA 402-J:7, VI by failing to inform the Department of his change of address within thirty days of vacating the premises at 167 South Street in Concord, New Hampshire.
- B. Whether the Respondent violated RSA 402-J:12, I (h) by demonstrating untrustworthiness or financial irresponsibility in the conduct of business.
- C. Whether the Respondent violated RSA 400-A:16, II by failing to provide the Department with information requested in connection with the Department's investigation of a consumer complaint.

The Department reserves the right to amend this Statement of Issues upon reasonable notice to the Commissioner (or his designated representative) and the Respondent.

III. NEW HAMPSHIRE INSURANCE LAWS VIOLATED BY RESPONDENT

The Department maintains that Mr. Arbo has violated RSA 402-J:7, VI; RSA 402-J:12, I (h); and RSA 400-A:16, II.

The Department 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.

IV. REQUEST FOR ADMINISTRATIVE PENALTIES

Based on the misconduct and insurance law violations alleged above, the Department requests that the Commissioner (or his designated representative): 1) revoke the Respondent's New Hampshire producer license; and, (2) impose a fine against Mr. Arbo in the amount of \$7,500.

V. NOTICE OF HEARING

Pursuant to RSA 541-A:31 and Chapter Ins 200, the hearing in this matter shall commence on January 11, 2012 at 9:00 a.m. at the offices of the Department, 21 South Fruit Street, Suite 14, Concord, New Hampshire.

The Insurance Commissioner or his designated representative shall act as the Hearing Officer at the hearing.

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.

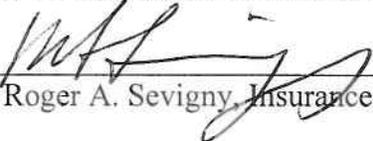
The Respondent also has the right to be represented by counsel at his own expense. Should the Respondent choose to retain counsel, said counsel shall file a notice of appearance with the Commissioner at the earliest possible date.

Donald Belanger shall appear as Staff Advocate, representing the interests of the Department. Mr. Belanger will be assisted in this matter by Richard McCaffrey.

SO ORDERED.

Date: 12-14-11

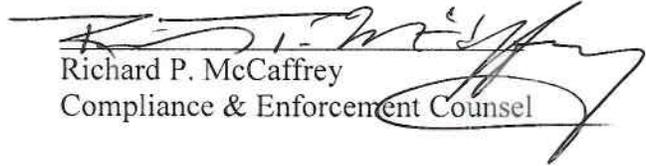
NEW HAMPSHIRE INSURANCE DEPARTMENT


By: 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 day, December 14, 2011, to Michael Keith Arbo, 167 South Street, Concord, NH 03301 by certified mail, return receipt requested, and first-class mail, postage prepaid.

Date 12/14/2011


Richard P. McCaffrey
Compliance & Enforcement Counsel