

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

In Re: Michael P. O'Keefe

Docket No.: INS No. 12-036-EP

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

The New Hampshire Insurance Department ("NHID") orders Michael P. O'Keefe ("Respondent") to show cause why the New Hampshire Insurance Commissioner should not suspend or revoke his insurance producer's and insurance adjuster's licenses. In support of the Order to Show Cause and pursuant to RSA 541-A:31, the NHID states as follows:

I. STATEMENT OF FACTS

A. The Respondent

The Respondent is a licensed New Hampshire non-resident insurance producer and non-resident adjuster. The Respondent was first licensed by the NHID as a producer effective April 25, 2012 and first licensed as a non-resident adjuster effective May 17, 2012. The Respondent is licensed to sell property and casualty insurance products and to adjust property and casualty claims. His current producer's license expires on February 28, 2014 and his adjuster's license expires on October 1, 2013.

B. The Respondent Failed to Disclose Prior Administration Proceedings Against Him on his Initial Application for a Non-Resident New Hampshire Insurance Producer's License.

The Respondent applied for an initial non-resident New Hampshire insurance producer's license on April 25, 2012. Background Question # 2 of the insurance producer application asked: "Have you ever been named or involved as a party in an administrative proceeding including FINRA sanctions or arbitration proceeding regarding any professional or occupational license or registration?" Respondent answered "NO" to this question.

In fact, the Respondent should have answered "YES" to this question. Specifically, the Respondent failed to report the following actions on his application for his producer's license.

1. The United States Tax Court issued an Order of Disbarment against Respondent on August 10, 1990 for knowingly perpetrating a fraud upon the court.

2. The Supreme Court of Missouri issued an Order on September 6, 1994 disbaring Respondent from practicing law in that state. This action was based upon the Order of Disbarment issued by the United States Tax Court on August 10, 1990.

3. The Supreme Court of Kansas issued an Order of Disbarment on January 18, 1996. The Order was based on multiple complaints against Respondent alleging “improper conversion of probate funds, abandonment of a business client and failure to return financial records, violation as co-trustee of an education trust and respondent’s disbarment by the United States Tax Court for fraud on the court and disbarment by the Missouri Supreme Court.”

C. The Respondent Failed to Disclose Prior Administration Proceedings Against Him on his Initial Application for a Non-Resident New Hampshire Insurance Adjuster’s License.

The Respondent applied for an initial non-resident New Hampshire insurance adjuster’s license on May 16, 2012. Background Question # 2 of the insurance adjuster application asked: “Have you ever been named or involved as a party in an administrative proceeding including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration?” Respondent answered “NO” to this question.

In fact, the Respondent should have answered “YES” to this question. Specifically, the Respondent failed to report the following actions on his application for his adjuster’s license.

1. The United States Tax Court issued an Order of Disbarment against Respondent on August 10, 1990 for knowingly perpetrating a fraud upon the court.

2. The Supreme Court of Missouri issued an Order on September 6, 1994 disbaring Respondent from practicing law in that state. This action was based upon the Order of Disbarment issued by the United States Tax Court on August 10, 1990.

3. The Supreme Court of Kansas issued an Order of Disbarment on January 18, 1996. The Order was based on multiple complaints against Respondent alleging, “improper conversion of probate funds, abandonment of a business client and failure to return financial records, violation as co-trustee of an education trust and respondent’s disbarment by the United States Tax Court for fraud on the court and disbarment by the Missouri Supreme Court.”

D. The NHID Discovers the Respondent’s Prior Administration Proceeding.

On or about May 24, 2012, the Kansas City, Missouri law firm of Polsjnelli Shughart PC, counsel for H&R Block Insurance Agency Inc. (“HRBIA”), prepared and submitted the insurance producer application and the adjuster application for the Respondent. That application noted that the Respondent had been “elected president, director and designated producer for HRBIA.”

However, by correspondence dated June 8, 2012, Polsjnelli Shughart again contacted the NHID, this time to advise that HRBIA had discovered on or about May 31, 2012 that the Respondent had been disbarred as attorney in Missouri and Kansas, and that this information had not been disclosed at the time of Respondent’s application for licensure as a producer and

adjuster. Finally, Polsjnelli Shughart advised that HRBIA had terminated the Respondent's employment on June 6, 2012.

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

II. STATEMENT OF ISSUES

A. Whether the Respondent violated RSA 402-J:12, I (a) by providing incorrect, and materially untrue information in the initial application for a producer's license.

B. Whether the Respondent violated RSA 402-J:12, I (h) by using dishonest practices and demonstrating untrustworthiness in the conduct of business in this state or elsewhere.

C. Whether the Respondent's failure to report the several disbarment orders constitutes good cause for revoking his adjuster's license as provided for in RSA 402-B:12.

The NHID 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 NHID maintains that Respondent has violated RSA 402-J:12, I (a, h) and RSA 402-B:12.

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.

IV. REQUEST FOR ADMINISTRATIVE PENALTIES

Based on the insurance law violations alleged above, the NHID requests that the Commissioner (or his designated representative) revoke the Respondent's New Hampshire non-resident producer's license and Respondent's non-resident adjuster's license and levy an appropriate administrative fine as provided by law.

V. NOTICE OF HEARING

The hearing in this matter shall commence on December 12 at 9:00 a.m. at the offices of the NHID, which are located at 21 South Fruit Street, Suite 14 in Concord, New Hampshire. The hearing shall be conducted pursuant to the practices and procedures set forth in RSA 541-A, the New Hampshire Administrative Procedure Act; RSA 400-A, Insurance Department; and New Hampshire Code of Administrative Rules Ins 200, Practices and Procedures.

The Insurance Commissioner or his representative shall act as the Hearing Officer at the hearing. Richard P. McCaffrey, the NHID's Compliance and Enforcement Counsel, shall appear as staff advocate, representing the interests of the NHID.

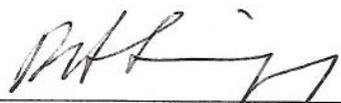
Any party may request a transcript of the proceeding. The party requesting a transcript of the proceedings shall file a written request for a certified court reporter with the Hearing Officer at least 10 days prior to the scheduled hearing date. The costs incurred for the services of a certified court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

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

SO ORDERED.

NEW HAMPSHIRE INSURANCE DEPARTMENT

Date: 11-6-12

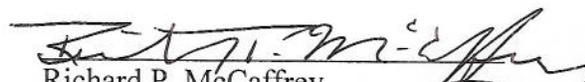


Roger A. Sevigny, Insurance Commissioner

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 be certified mail, return receipt requested to Michael P. O'Keefe at the address on file with the NHID.

Date: 11/7/12


Richard P. McCaffrey
Compliance & Enforcement Counsel