

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

In Re: Michael S. Estrada

Docket No.: INS No. 13-019-EP

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

The New Hampshire Insurance Department (“NHID”) orders Michael S. Estrada (“Respondent”) to show cause why the NHID should not suspend or revoke his resident insurance producer’s license, or levy an administrative fine, or both for failure to disclose information pursuant to RSA 400-A:16, II. In support of this Order to Show Cause and pursuant to RSA 541-A:31 and RSA 400-A:17, the NHID states as follows:

I. STATEMENT OF FACTS

The Respondent is a resident New Hampshire insurance producer. The NHID’s records indicate his residential, business and mailing address is 97 S. Main Street in West Lebanon, New Hampshire.

Rose Burns is a New Hampshire consumer who filed a complaint against the Respondent alleging that the Respondent neglected to place insurance coverage on certain property as she requested. Ms. Burns further alleged that on at least one occasion the Respondent advised her there was coverage in place on her property, when in fact there was none. The NHID instituted an investigation into Ms. Burns’ complaint pursuant to RSA 400-A:16, I.

By correspondence dated June 18, 2013, the NHID advised the Respondent of the nature of the investigation and requested that he contact the NHID to schedule a meeting to discuss Ms. Burns’ complaint. The correspondence also informed the Respondent that, pursuant to RSA 400-A:16, II, his failure to cooperate in the investigation could form the grounds for

administrative action against him. The correspondence set a deadline of July 8, 2013 for the Respondent to respond, and it was sent to the Respondent by certified mail, return receipt, at his mailing address on file with the NHID. Although the NHID subsequently received the return receipt, which was signed and dated June 21, 2013, the Respondent never responded to the June 18th correspondence or otherwise contacted the NHID.

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 400-A:16, II by failing to respond to the NHID's June 18, 2013 correspondence regarding the Burns complaint.

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 400-A:16, II by failing to respond to the NHID's request for information within ten working days, as required by the statute.

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 violation alleged above, the NHID requests that the Commissioner or his designated representative revoke or suspend the Respondent's New Hampshire resident insurance producer's license, or levy an administrative fine, or both.

V. NOTICE OF HEARING

Pursuant to RSA 541-A:31 and Chapter Ins 200, the hearing in this matter shall commence on October 2, 2013 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.

James Fox, Esq. shall preside as the Hearing Officer in this matter.

Sarah Prescott shall serve as clerk to the Hearing Officer. The parties should direct all communications to Ms. Prescott, whose contact information is:

Sarah Prescott, Clerk
New Hampshire Insurance Department
21 South Fruit Street, Suite 14
Concord, NH 03301
Tel: (603) 271-2261
Fax: (603)271-1406
Email: sarah.prescott@ins.nh.gov

The Respondent has the right to be represented by counsel at his expense. Should the Respondent elect to obtain counsel, the Respondent's counsel shall file a notice of appearance with Ms. Prescott, at the earliest possible date. A copy of the NHID Notice of Appearance is enclosed with this Order.

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 ten 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.

Richard McCaffrey shall appear as staff advocate, representing the interests of the NHID.

It is **SO ORDERED**.

NEW HAMPSHIRE INSURANCE DEPARTMENT

Date: 9-4-13

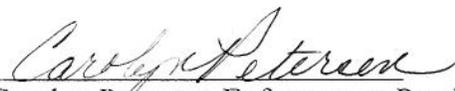


Roger A. Sevigny, Commissioner

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 by certified mail, return receipt requested to Michael S. Estrada, 97 South Main Street, West Lebanon, NH 03784, this being his mailing address on file with the NHID.

Date: 9.4.13



Carolyn Petersen, Enforcement Paralegal