

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

In re: Paula S. Wilbanks

Docket No.: INS No. 14-024-EP

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

The New Hampshire Insurance Department (“NHID”) orders Paula S. Wilbanks (“Respondent”) to show cause why the New Hampshire Insurance Commissioner should not suspend or revoke her insurance producer license or levy an administrative fine, or both. In support of the Order to Show Cause and pursuant to RSA 541-A:31, RSA 400-A:17 and Ins Part 200, the NHID states as follows:

I. STATEMENT OF FACTS

The Respondent, a Georgia resident insurance producer, holds a New Hampshire nonresident insurance producer license authorizing her to sell property and casualty, and surplus lines insurance. Unless renewed, the Respondent’s New Hampshire license will expire October 31, 2014.

Effective June 25, 2013, the Virginia State Corporation Commission (“Commission”) revoked the Respondent’s Virginia insurance producer license for failing to file the Annual Surplus Lines Gross Premium Tax Report and/or failing to pay the Bureau of Insurance Maintenance Assessment, Premium License Tax, and other related fines and penalties for the calendar year 2012. The Respondent never reported the Virginia administrative action to the NHID.

Subsequent to Virginia's revocation of the Respondent's producer license, the Washington Insurance Department ("Washington") and California Insurance Department ("California") revoked Respondent's producer license for failure to report the Virginia action, effective November 4, 2013 and April 5, 2014 respectively. The Respondent never reported either the Washington revocation or the California revocation to the NHID.

On October 14, 2013, the Respondent entered into a Stipulation and Consent Order with the Delaware Insurance Department whereby the Respondent was fined \$500 for failing to report the Virginia action. Moreover, on February 21, 2014, the Respondent entered into a Consent Order with the Florida Insurance Department whereby the Respondent voluntarily surrendered her Florida nonresident insurance producer license for failing to report the Virginia action and also her failure to update her contact information with the department. The Respondent never reported either Delaware or the Florida administrative actions to the NHID.

Finally, on June 3, 2014 Joan LaCourse, Supervisor of the NHID's Licensing Division, sent correspondence to the Respondent informing her that none of the five administrative actions outlined above had been reported to the NHID. Ms. LaCourse's correspondence reminded the Respondent that she was required to report those five actions to the NHID, and Ms. LaCourse provided the Respondent with specific instructions regarding the procedure for reporting such actions through the National Insurance Producer Registry's Attachment Warehouse. Despite Ms. LaCourse's effort to assist the Respondent, which was a courtesy not required by any New Hampshire insurance law, the Respondent never contacted Ms. LaCourse and never utilized the National Insurance Producer Registry's Attachment Warehouse.

II. STATEMENT OF ISSUES

A. Whether Respondent violated RSA 402-J:17, I by failing to report the administrative actions of California, Delaware, Florida, Virginia and Washington to the NHID within thirty days of the final disposition of the matter in each respective state.

B. Whether, pursuant to RSA 402-J:12, I, (i), the revocation of the Respondent's insurance producer license in California, Virginia and Washington should result in the suspension or revocation of the Respondent's New Hampshire insurance producer license.

C. Whether, pursuant to RSA 402-J:12, I, (h), the Respondent's failure to report the administrative actions of California, Delaware, Florida, Virginia and Washington to the NHID demonstrates untrustworthiness in the conduct of the business.

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

A. The Department maintains that the Respondent violated RSA 402-J:17, I, RSA 402-J:12, I, (i) and RSA 402-J:12 I, (h).

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. NOTICE OF HEARING

Pursuant to RSA 541-A:31 and Ins Part 200, the hearing in this matter shall commence on November 6, 2014 at 9:00 a.m. at the offices of the Department, which are located at 21 South Fruit Street, Suite 14 in Concord, New Hampshire.

James Fox, Esquire 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 legal counsel at her own expense. Should the Respondent elect to retain an attorney, her attorney shall file a Notice of Appearance with Ms. Prescott, at the earliest possible date. A copy of the Department's 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 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.

Richard McCaffrey, Esquire shall appear as staff advocate representing the Insurance Department.

It is **SO ORDERED**.

NEW HAMPSHIRE INSURANCE DEPARTMENT

Date: 9-12-14



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 by certified mail, return receipt requested to Paula S. Wilbanks, Over-By Seawell Company, PO Box 100006, Kennesaw, GA 30156, this being her mailing address on file with the Department.

Date: 9.12.14


Carolyn Petersen
Enforcement Paralegal