

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

In re: Joshua Paul Goeschel

Docket No.: INS No. 16-017-EP

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

The New Hampshire Insurance Department (“NHID”) orders Joshua Paul Goeschel (“Respondent”) to show cause why the New Hampshire Insurance Commissioner should not suspend or revoke his New Hampshire 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:

STATEMENT OF FACTS

1. The Respondent, who resides in Colorado, is a non-resident New Hampshire property and casualty insurance adjuster.
2. The Respondent submitted his initial application for a New Hampshire adjuster’s license through the National Insurance Producer Registry (NIPR) on or about May 20, 2015.
3. Background Question 1B of the application states: “Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?” The Respondent answered “NO” to this question.
4. In fact, the Respondent should have answered Question 1B in the affirmative. On May 13, 2015—a mere week before he had submitted his application for licensure through

NIPR—the Respondent was charged with Assault in the Second Degree in Violation of C.R.S.18-3-203(1)(g) from an incident occurring on May 10, 2015 in Summit County Colorado.¹

STATEMENT OF ISSUES

5. Whether the Respondent violated RSA 402-J:12, I(a) by failing to disclose his pending felony charge on his application for licensure.

6. Whether the Respondent's failure to disclose his pending felony charge on his application for licensure demonstrates untrustworthiness in the conduct of business in violation of RSA 402-J:12, I(h).

7. Whether the Respondent violated RSA 402-J:17, II by not reporting within thirty (30) days of the initial pre-trial hearing date that he was subject to a criminal prosecution which ultimately lead to a misdemeanor conviction.

8. The NHID reserves the right to amend this statement of issues upon reasonable notice to the Commissioner (or his designated Representative) and the Respondent.

NEW HAMPSHIRE INSURANCE LAWS VIOLATED BY RESPONDENT

9. The NHID maintains the Respondent violated the following New Hampshire insurance law statutes: RSA 402-J:12, I (a); and RSA 402-J:12, I (h); and RSA 402-J:17, II.

10. 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.

¹ The Respondent eventually pled guilty to a misdemeanor, "Disorderly Conduct – Fighting in Public." Although the ultimate conviction involved a misdemeanor, at the time the Respondent applied for licensure he had only recently been *charged with a felony*, which he should have reported on the NIPR application.

PENALTY REQUESTED

11. In the event the Hearing Officer determines after evidentiary hearing that the NHID sustained its burden of proof with respect to the allegations of fact and violations of law outlined above, the NHID requests that the Hearing Officer impose the following sanctions on the Respondent:

- a. Order suspension or revocation of the Respondent's New Hampshire insurance producer license; and
- b. Order the Respondent to pay a fine in the amount of \$2,500 per violation, for a total fine of \$7,500.

NOTICE OF HEARING

- A. Pursuant to RSA 541-A:31 and Ins Part 200, the hearing in this matter shall commence on June 14, 2016 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.
- B. The Commissioner or his designated representative 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

- C. The Respondent has the right to be represented by a lawyer in this proceeding. However, the Respondent shall bear the cost of retaining said lawyer. Should the Respondent elect

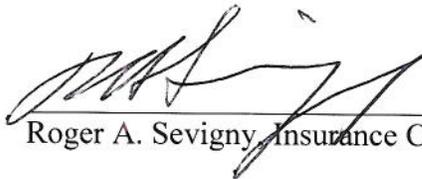
to retain a lawyer, his lawyer shall file a Notice of Appearance with Ms. Prescott, and said lawyer should do so at the earliest possible date. A copy of the Department's Notice of Appearance is enclosed with this Order.

- D. 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.
- E. Richard P. McCaffrey, Esq. and Mary C. Bleier, Esq. shall serve as staff advocates representing the interests of the NHID.

It is **SO ORDERED**.

NEW HAMPSHIRE INSURANCE DEPARTMENT

Date: 4-7-16

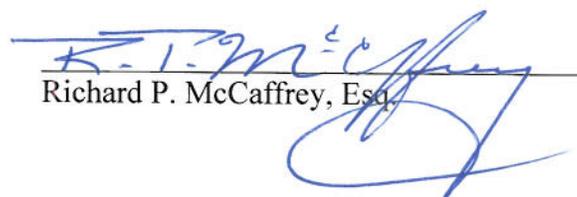


Roger A. Sevigny, Insurance Commissioner

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 Joshua Paul Goeschel, 6515 E. Union Ave Unit 163, Denver CO 80237-2782 this being his mailing address on file with the Department.

Date: 4/7/2016



Richard P. McCaffrey, Esq.