

COMMENTS FROM THE COMMISSIONER'S OFFICE

The NAIC/Industry Producer Licensing Coalition (Coalition) met for the first time on Wednesday June 20, 2007 at the NAIC Government Relations Office in Washington D.C. Commissioner Sevigny led a group of Commissioners, State Producer Licensing Directors and national industry association representatives in a focused discussion aimed at achieving uniformity and appropriate standards for licensing producers throughout the nation.

While there have been great achievements in producer licensing modernization under the Producer Licensing Modernization Act (PLMA), through exponential growth in automation, the expansive use of the National Insurance Producer Registry (NIPR), and the creation of 38 national uniformity standards, there is still room for progress.

The Coalition was formed as a task force under the direction of the NAIC, as part of its efforts to strengthen organizational efficiency and implement its new strategic management initiative. The Coalition will be concentrating its efforts on helping member states comply with the PLMA and determine industry professional standards.

During this meeting the goals of the Coalition were established. They intend to (1) assess and recertify each Member state's progress in implementing the Uniformity Licensing Standards, which the NAIC adopted in December of 2002, (2) review the specifics on the Licensing requirements of foreign corporations and business entities, and (3) develop a priority list of industry professional standards.

The Coalition plans on continuing subsequent discussions via email and in person after the members have had time to discuss the initiatives and the Coalition goals with their constituents.

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NEW HEALTHCOST WEB SITE

In partnership with the Commissioner's Advisory Council, the New Hampshire Insurance Department (NHID) launched the HealthCost web site in February 2007. The website gives the public information about the price of health care services. The price information is based on paid claims data collected from New Hampshire's health insurers by the New Hampshire Department of Health and Human Services as part of the Comprehensive Health Care Information System. The web site serves as a resource for consumers to make informed decisions about purchasing health care services.

The HealthCost site will continue to evolve by including more procedures with periodic cost updates (last update was in June), and will enter a second phase that includes a portal geared toward employers and individuals evaluating insurance options and carriers. The site can be viewed at: www.nhhealthcost.org.

PERSONAL LINES FILINGS IN 2007 CONTINUE TO SHOW DECLINE IN RATES

Rate changes filed for personal auto and homeowners insurance, to be effective in 2007, continue to reflect the recent pattern of rate decreases. The following table shows by year the total number of filings approved, and of those the number that were rate decreases:

Personal Auto	2005	2006	2007
Approved	29	40	29
Decreases	16	25	23
 Homeowners	 2005	 2006	 2007
Approved	19	18	19
Decreases	07	09	12

This is good news for the NH consumer and reflects a financially sound and competitive personal lines insurance market in our state.

HB 426 PASSES – LABOR COMMISSIONER IS AUTHORIZED TO RESOLVE WORKERS COMPENSATION PREMIUM DISPUTES

For many years the Labor Department held hearings on premium disputes centering around the issue of whether or not a worker was an employee or an independent contractor. However, in 2006 the Attorney General's office opined that the Labor Commissioner did not have the statutory authority to hear such disputes. Because the Insurance Department does not have authority to rule on Labor laws, the sole alternative for insurers was to file suit in court, a prospect that was not appealing to any of the parties.

Since the Labor Department has authority to resolve such disputes if the issue relates to a Workers' Compensation claim (loss), and since it is the employee / independent contractor definition found in Labor statutes that is used as the basis for resolving the dispute, it was logical to conclude that the Labor Commissioner be given authority over such premium disputes as well. Representative Infantine introduced HB 426 for this purpose. After several amendments the bill was signed by the Governor and became effective June 18, 2007.

As a result, several dozen disputes, which were in limbo pending the legislation's movement through the legislative process, can now be addressed by Labor Department personnel and will be scheduled over the coming months.

LICENSING DIVISION - PHASE OUT USE OF SOCIAL SECURITY NUMBERS

The Producer Licensing Division is planning to phase out the use of Social Security Numbers (SSN) as the sole identifier in all internal licensing systems. Due to confidentiality issues the use of this number raises the Department has taken actions to limit its use and access. Although the SSN is still captured in the licensing database, it is not used as an identifier for access to the Online Licensing System, the Online Renewal System, or the Licensee Look-up Service. It is also not used to access any of the electronic functions made available by our business partner, the National Insurance Producer Registry (NIPR), which is affiliated with the National Association of Insurance Commissioners (NAIC). All of these systems use a National Producer Number (NPN), which is a unique identifier issued by NIPR to all individual producer and adjuster licensees. The sole remaining use of the SSN as an identifier is for the Continuing Education (CE) System, where licensees can access their own continuing education course history.

The Department is also planning to replace the use of the SSN with the NPN in the CE System. We are being cautious as we move ahead with implementation of these changes, due to the need to balance the security and privacy needs of our licensees with our need to positively identify individuals processing licensing data through our various systems for identity protection purposes. We are opting for this change because the NPN is a unique identifier that is available to the public, yet cannot be used improperly by others. With the use of an NPN, there is no prospect for compromise of personal or financial data because the information that can be accessed with the NPN is benign and has no purpose other than for producer and adjuster licensing.

NHID ADOPTS REVISED RULE INS 1000, EFFECTIVE JULY 1, 2007

The NHID recently received notice that its final proposal for Department Rule Ins 1000 was approved for use by the Joint Legislative Committee on Administrative Rules. The revised rule became effective on July 1, 2007. Department staff spent many months rewriting Ins 1000, focusing first on a new section specifically devoted to P&C Claims Settlement practices (Ins 1002). Ins 1001 has been established to maintain current Ins 1000 provisions applicable to all other types of products while the remainder of the rule is rewritten.

Insurers, producers, appraisers, and others who are typically involved in the settlement of property and casualty insurance claims should visit the Department's web site to review the official text of the rule. Of special interest to insurers will be section 1002.15(a), relative to motor vehicle total loss valuations. Many insurers, when valuing vehicles which are total losses, use models or statistical methods to help determine a fair market value. Such methods must now be submitted to the Department and found acceptable before they may be used. We recognize that a transition program is appropriate during the period of time when these methodologies will be under review and awaiting approval, and we are currently developing the details of the process we will follow during this transition period and afterwards. Our website will be updated with special notices as various aspects of the transition period are established.

ENFORCEMENT ACTIONS BY NHID

Re: Lynch, Kent C.

Consent Order and Agreement
Docket No. INS No. 06-046-EP
Failed to make required disclosure
on license application.
Date of Order and Agreement:
November 2, 2006
Administrative Penalty: \$500.00

Re: Olivier, Robert T.

Consent Order and Agreement
Docket No. INS No. 06-034-EP
Misrepresentation of insurance
product/policy, demonstrated lack
of fitness or trustworthiness.
Date of Order and Agreement:
November 14, 2006
Action and Penalty:
License revoked.

Re: Progressive Northern Insurance Company

Consent Order and Agreement
Docket No. INS No. 06-025-AR
Unfair insurance practices act violation
Date of Order and Agreement:
October 3, 2006
Administrative Penalty: \$5,000.00

Re: Sam H. Newberry

Consent Order and Agreement
Docket No. INS No. 07-048-EP
Failed to make required disclosure on
license application.
Date of Order and Agreement:
April 24, 2007
Administrative Penalty: \$350.00.

Re: Universal Underwriters Ins. Co.

Consent Order and Agreement
Docket No. INS No. 07-005-MC
Underwriting issues. Re-exam company
necessary.
Date of Order and Agreement:
March 14, 2007
Action and Penalty:
\$3000.00 and re-exam.



SPEAKING OF INSURANCE !

Engagements you may have missed.....

Property/Casualty Actuary David Withers addressed a meeting of the NH Field Association on January 19, 2007 in Manchester to share what was happening in the P&C arena.

Mary Ellen Sasseville, Consumer P&C Claims Officer made a presentation on "Automobile Insurance for Teens" as part of the Jump Start Program Student Financial Fitness Fair held at Southern NH University in Manchester on January 20, 2007.

Leslie Ludtke, Health Policy Analyst and Tyler Brannen, Health Care Statistician introduced the NHCHIS and HealthCost to:

- Citizen's Health Initiative in Bow on January 22, 2007
- BIA Small Business Day in Concord on February 6, 2007
- Harvard Pilgrim Health Care in Wellesley, MA on February 8, 2007
- Anthem NH in Manchester on March 26, 2007
- Vt. Stakeholders and Legislators in Montpelier, VT on April 9, 2007
- Maine Health Data Organization in Berwick, ME on May 24, 2007
- Statewide Health Council Meeting in Tilton on June 9, 2007
- NAIC Commissioner's Meeting in Connecticut week of July 23, 2007

Fraud Attorney Catherine Tucker has participated on panels and addressed various groups regarding insurance fraud, including:

- CPCU/NHIWL Chapter Meeting in Bedford on February 12, 2007
- NEAIFI/NEIASIU Seminar in Westford, MA on June 12, 2007

Consumer P&C Claims Officer Mary Ellen Sasseville spoke about the handling of consumer complaints at a CLE Program sponsored by the NH Bar Association on May 30, 2007.

Clinton Lane, Licensing Supervisor participated on a regulators panel at the New Orleans Regulatory Symposium of SILA (Securities & Insurance Licensing Association), April 3-5, 2007.

Barbara Richardson, Director of Operations and Deborah O'Loughlin, Legal Coordinator attended the 2007 RIMS Conference, manning an exhibit booth for NH with personnel from DRED in New Orleans, April 30 – May 2, 2007.

Kathleen Belanger exhibited at a Money Smarts Conference for teachers on May 10, 2007.

SPEAKING OF INSURANCE CONT.....

David Withers, Property/Casualty Actuary attended the Finance and Insurance Career Fair held at the Armory in Concord on April 24, 2007.

On May 4, 2007, Property/Casualty Actuary David Withers was a panelist at E-Day of the Association of Insurance Compliance Professionals held in Hartford, CT to discuss “hot topics” in insurance in NH and participate in a regulator’s roundtable.

Deborah O’Loughlin, Legal Coordinator attended the Annual Meeting of the NH Life and Health Insurance Guaranty Association on May 22, 2007 in Meredith.

On June 1, 2007, David Withers, Property/Casualty Actuary participated in a panel discussion entitled “Insurance Ramifications of MV Offense Orders for Individuals and Families” at the NHJB Systemwide Conference – Judges & Masters in Bedford.



Kathleen Belanger, Consumer Services Director and Pauline Lamy, LAH Insurance Claims Representative participated at the Senior Resource Fair held in Manchester on June 27, 2007.

Kathleen Belanger, Consumer Services Director, spoke to staff and volunteers at the New Hampshire Department of Justice Consumer Protection Bureau on insurance department jurisdiction and consumer complaint functions on September 24, 2007.

Engagements to catch.....

Kathleen Belanger, Consumer Services Director and Pauline Lamy, LAH Insurance Claims Representative will participate as exhibitors at the Independence & Aging Resource Fair at the Grappone Conference Center in Concord on October 1, 2007.

Legal Coordinator Deborah O’Loughlin will attend the Annual Meeting of the NH Insurance Guaranty Association on October 16, 2007 in Norwich, CT.

Maureen Hartsmith, LAH Compliance Manager will participate in a Speed to Market and Regulator roundtable at the Association of Insurance Compliance Professionals Meeting in Portland, OR on October 29 – 31, 2007.

WORKER'S COMPENSATION TASK FORCE FORMED

Earlier this year, a new Workers' Compensation Fraud Task Force was formed. The primary goal of the task force is to explore the adequacy of current labor and insurance laws and to determine the need for additional or amended laws to facilitate detection and prosecution of workers' compensation insurance premium fraud. The recognition of the need for such discussions came about following meetings between the Insurance Department, the Department of Labor, labor union representatives and insurance carriers. From initial discussions of this core group it became clear that other state agencies and outside parties could add significant input, and could receive benefits from this concerted effort. The group expanded to include representatives from the Department of Revenue, the Attorney Generals office, and the Department of Employment Security and representatives of non-union trade labor groups. It was reorganized so that the membership of the task force should reflect a broad spectrum of interests.

Among the issues reviewed for inclusion as task force goals are the fraudulent filing of insurance certificates, employers' understating the number of employees, employers' mischaracterizing employees as independent contractors, employers' mischaracterization of the type of employees and the adequacy of existing criminal penalties.

P&C DIVISION REORGANIZED

Several department functions have been recently reorganized to form the Department's new Property & Casualty Division. The goal of the reorganization is to bring together the broad knowledge and experience of the current P&C staff from different areas into one division.

The 19-person division, managed by David Withers, will be comprised of three sections:

- (1) Statistics and Analysis, Directed by Deb Stone, Assistant P&C Actuary, will have responsibility for P&C market analysis, measuring competition, statistics and data compilation, rate filing review and financial analysis, performance reviews and other projections. The position of Workers' Compensation Insurance Rate Analyst has been reassigned to this section.
- (2) Consumer & Compliance Services, Directed by Denise Lamy, who will have responsibility for P&C consumer services, forms filing review, monitoring products offered and availability, underwriting trends, alternative markets, entries and exits, and responding to related carrier inquiries.
- (3) Market Conduct & Exams, Directed by Kent Dover, will have responsibility for investigating and conducting compliance examinations of admitted P&C insurance companies, and other P&C related entities.

RULEMAKING – SPRING/SUMMER 2007

The New Hampshire Insurance Department has adopted or currently has the following rulemaking in progress. For additional information refer to the NHID Website: <http://www.nh.gov/insurance/rules/rules.htm>

Ins 600 Credit for Reinsurance

This proceeding readopted Ins 600 to reflect the latest NAIC model.

Adopted: 02/21/07; Effective: 03/01/07

Ins 1000 Claim Settlement

This proceeding established Ins 1002 Property & Casualty Claim Settlement.

Adopted: 06/11/07; Effective 07/01/07

Ins 1100 Confidentiality of HIV Tests

This proceeding readopted Ins 1100.

Adopted: 02/21/07; Effective 03/01/07

Ins 1300 Producer & Adjuster Licensing

This proceeding updates and amends rules for licensing and continuing education requirements.

Adopted: 07/11/07; Effective: 08/01/07

Ins 1500 Holding Companies

This proceeding readopted Ins 1500 to reflect the latest NAIC model.

Adopted: 06/18/07; Effective 07/01/07

Ins 1800 Continuing Care Communities

This proceeding readopts Ins 1800.

Adopted: 9/24/07, Effective 10/1/07

Ins 2800 P&C Statistical Reporting

This proceeding readopted with amendment Ins 2800.

Adopted: 07/11/07; Effective: 08/01/07

Ins 2900 Hazardous Financial Condition, Licensed Companies

This proceeding readopted Ins 2900 to reflect the latest NAIC model.

Adopted: 06/22/07; Effective 07/01/07

Ins 3508 Recognition of Preferred Mortality Tables

This proceeding adopted a recent NAIC model

Adopted: 05/21/07; Effective 06/01/07

Ins 3700 Standards for Safeguarding Customer Information

This proceeding adds section Ins 3702 and delineates breach notification requirements.

Adopted: 06/11/07; Effective 07/01/07

Ins 4300 Fiduciary Responsibilities

This proceeding moved existing fiduciary rules from Ins 1300 to its own chapter

Adopted: 07/11/07; Effective: 08/01/07

LEGISLATIVE WRAP-UP 2007

The Department actively participated in the Legislative Session weighing-in on numerous initiatives and assisting Senators and Representatives when requested with information and language. Further, the Department asked for the introduction of the six following bills:

HB 385, Licensing & Fees: Passed by the House with Department amendments in March. Retained by House Ways & Means in April.

This bill dealt with numerous provisions in the insurance laws including retaliatory taxes, licensing fees, insurer managerial oversight and experience; insurance claims adjusters and public adjusters; address changes by producers; statutes applicable to the high risk pool; consultant licenses; and repeal of certain sections of the law that are no longer applicable.

HB 532 Insurance Fraud: 2007 Chapter 37, Effective January 1, 2008

This bill strengthened the ability of the Fraud Unit to investigate crimes; clarified how subpoenas can be served; reworked the mandatory reporting provisions on carriers that provide more guidance to the industry on when and what to report.

HB 696, Unclassified Positions: Passed by the House with Department amendments in March. Retained by House ED&A in April.

This bill moved two existing classified positions to the "unclassified" category. (Property and Casualty Actuarial Analyst; Compliance and Enforcement Counsel).

HB 782, Reinsurance Intermediaries: 2007 Chapter 255, Effective January 1, 2008

This bill amended RSA 402-F with the latest NAIC version. Reinsurance is a form of insurance that insurance companies buy for their own protection. A reinsurance intermediary works for or is contracted with the insurer giving (ceding) a portion of its liability to the reinsurer. A reinsurance manager works for or is contracted with the reinsurer accepting the insurer's risk for the reinsurer. Additionally, the bill contains a section clarifying the ability of the Department to contract with outside experts. Lastly, the bill clarifies that the unitary tax credit may only be taken by companies subject to the premium tax.

HB 858, Discount Medical Plans: Retained by House Commerce in March.

This bill established registration and operational requirements for discount medical plan organizations.

HB 921, LAH Technicals: 2007 Chapter 289, Effective September 1, 2007 & January 1, 2008

This bill realigns and clarifies the provisions of existing law as regards continuation of coverage and termination of coverage; establishes the "date of enrollment" as the key date upon which a policy is effective; makes amendments to laws regarding grievances and grievance plans; provides consistency throughout the laws with regards to preexisting conditions; addresses issues regarding stop loss coverage; corrects a deficiency in the application of Michelle's law; ensures that precertification by a primary plan is sufficient for the secondary plan; changes the reporting date on the small employer health insurance market from April to June; makes changes to the laws regarding the small employer reinsurance pool requested by the pool; and protects the individual health insurance plan from unintended consequences associated with external premium funding.

2007 COMPANY CHANGES

The following is a compendium of company changes.

COMPANY NAME CHANGES:

OLD NAME	NEW NAME	EFFECTIVE DATE
Birmingham Fire Insurance Company of PA	AIG Casualty Company	12/31/2006
IDS Life Insurance Company	Riversource Life Insurance Co.	12/31/2006
Fidelity & Guaranty Life Insurance Company	OM Financial Life Insurance Co.	01/01/2007
Jefferson Pilot LifeAmerica Insurance Company	Lincoln Life and Annuity Co. of NY	04/02/2007
Quadrant Indemnity Company	Harbor Point Reinsurance U.S.	04/17/2007
Merchants Insurance Company of NH	American European Insurance Co.	06/01/2007
Patriot Mutual Insurance Company	Patriot Insurance Company	07/01/2007

NEWLY LICENSED COMPANIES:

COMPANY NAME	TYPE OF LICENSE	EFFECTIVE DATE
HCC Life insurance Company	Life and Health	12/04/2006
National Farmers Union Property and Casualty Co.	Property and Casualty	12/19/2006
American Modern Select Insurance Company	Property and Casualty	01/02/2007
Industrial-Alliance pacific Life Insurance Company	Life and Health	01/22/2007
Investors Title Insurance Company	Title	02/05/2007
Bond Safeguard Insurance Company	Property and Casualty	02/15/2007
Northland casualty Company	Property and Casualty	02/20/2007
United Casualty and Surety Company	Property and Casualty	03/01/2007
American Southern Home Insurance	Property and Casualty	03/08/2007
Capitol Indemnity Insurance Company	Property and Casualty	03/13/2007
American General Life and Accident	Life and Health	03/14/2007
National Liability and Fire Insurance Company	Property and Casualty and Life and Health	03/22/2007
Companion Commercial Insurance Company	Property and Casualty	03/28/2007
Companion Property and Casualty	Property and Casualty	03/28/2007
Gray Insurance Company	Property and Casualty	04/04/2007
Merchants Preferred Insurance Company	Property and Casualty and Life and Health	04/18/2007
Parker Centennial Insurance Company	Life	04/23/2007
Zale Indemnity Insurance Company	Property and Casualty and Life and Health	05/01/2007
Zale Life Insurance Company	Life and Health	05/01/2007
Tower Insurance Company of New York	Property and Casualty	05/14/2007
Tower National Insurance Company	Property and Casualty and Life and Health	05/14/2007
United States Surety Company	Property and Casualty	05/15/2007
Harleysville Preferred Insurance Company	Property and Casualty	05/21/2007
Kanawha Insurance Company	Life and Health	05/23/2007
Oid Dominion Insurance Company	Property and Casualty	06/22/2007
Professionals Advocate Insurance Company	Property and Casualty	08/16/2007

2007 COMPANY CHANGES CONT.....

AMENDED LICENSES:

COMPANY NAME	LINE OF BUSINESS	EFFECTIVE DATE
American Interstate Insurance Company	Remove the restriction of servicing existing business only	12/07/2006
Colonial Surety Company	Add paragraph VIII	12/18/2006
Clearwater Insurance Company	Remove the restriction of servicing existing business only	12/21/2006
R.V.I. National Insurance Company	Per company request delete paragraphs I, V, and VI	02/28/2007
Washington International Insurance Co.	Amend to add paragraphs I, II, V, VI	05/24/2007
Occidental Fire & Casualty Co. of NC	Remove the restriction of servicing existing business only	06/14/2007
Sompo Japan Insurance Co. of America	Remove the restriction of servicing existing business only	07/14/2007

COMPANY MERGERS:

OLD NAME	WITH AND INTO	EFFECTIVE DATE
Union Security Life insurance Company	American Bankers Life Insurance	12/01/2006
American Capitol Insurance Company	UTG	12/06/2006
Guaranty National Insurance Company	Security Insurance Company of Hartford	12/28/2006
American Enterprise Life Insurance Co.	IDS Life Insurance Company	12/31/2006
Niagra Fire Insurance Company	Continental Insurance Company	12/31/2006
Kansas City Fire and Marine Insurance Co.	Continental Insurance Company	12/31/2006
Fireman's Insurance Co. of Newark, NJ	Continental Insurance Company	12/31/2006
Boston Old Colony Insurance Company	Continental Insurance Company	12/31/2006
Fidelity and casualty Company of NY	Continental Insurance Company	12/31/2006
Commercial Insurance Co. of Newark, NJ	Continental Insurance Company	12/31/2006
Glens Falls Insurance Company	Continental Insurance Company	12/31/2006
GE Reinsurance Group	Swiss Reinsurance	01/01/2007
Security Financial Life Insurance Company	Assurity Life Insurance Company	01/01/2007
Federal Home Life Insurance Company	Genworth Life and Annuity	01/01/2007
First Colony Life Insurance Company	Genworth Life and Annuity	01/01/2007
Royal Indemnity Company	Arrowpoint Capital Group	03/03/2007
Security Insurance Company of Hartford	Arrowpoint Capital Group	03/03/2007
Chase Insurance Life and Annuity Co.	Protective Life Insurance Company	04/01/2007
Chase Insurance Life Company	Protective Life Insurance Company	04/01/2007
Jefferson Pilot Life Insurance Company	Lincoln National Life Insurance Company	04/02/2007
Ameritas Variable Life Insurance Company	Ameritas Life Insurance Company	05/01/2007
Regent Insurance Company	Regional Insurance Group	05/31/2007
Blue Ridge Insurance Company	Regional Insurance Group	05/31/2007
Coregis Insurance Company	Westport Insurance	06/30/2007
Jefferson Pilot Financial Insurance Co.	Lincoln National Life Insurance Company	07/02/2007

2007 COMPANY CHANGES CONT.....

COMPANY REDOMESTICATIONS:

COMPANY NAME	FROM & TO	EFFECTIVE DATE
Union Insurance Company Doing Business as Berkley Property and Casualty	Nebraska to Iowa	12/21/2006
Western Diversified Insurance Company	Nebraska to Iowa	12/28/2006
Nationwide Affinity	Kansas to Ohio	12/30/2006
Argonaut Insurance Company	California to Illinois	12/31/2006
Centurion Life Insurance Company	Missouri to Iowa	12/31/2006
Harleysville Worcester Insurance Company	Massachusetts to PA	01/01/2007
Harleysville Insurance Company	Minnesota to PA	01/01/2007
Monumental Life Insurance Company	Maryland to Iowa	04/01/2007
Members Life Insurance Company	Wisconsin to Iowa	05/03/2007
CUMIS Insurance Society Inc.	Wisconsin to Iowa	05/03/2007
CUNA Mutual Insurance Society	Wisconsin to Iowa	05/03/2007

NHID STAFF NEWS

Introducing new hires:

The following individuals joined the Department over the last few months. We welcome them to their new "home".

Kristen Avery, Receptionist
 Nancy Elizabeth Hart, Compliance & Enforcement Counsel
 Stephen Towne, P&C Casualty Examiner
 James Young, P&C Market Conduct Analyst

New Title:

Denise Lamy, Director, P&C Consumer and Compliance Services

Greener Pastures:

Debra Boothby (former LAH Market Conduct Examiner)



STATE OF NEW HAMPSHIRE
 INSURANCE DEPARTMENT
 21 SOUTH FRUIT STREET,
 SUITE 14
 CONCORD NH 03301