

**THE STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

In re: Richard A. Bean, Jr.

Docket No.: INS No. 20-070-EP

ORDER

On November 12, 2020, a continuance was granted after the Hearing Clerk received a phone call from Richard A. Bean, Jr. (“Respondent”) stating that he was seriously ill and would not be able to attend the hearing scheduled for November 16, 2020. Respondent was ordered to contact the Hearing Clerk as soon as he recovered from his illness. On December 30, 2020, the Hearing Clerk reached out to Respondent seeking an update on his health status. Respondent has failed to provide an update to the Hearing Clerk.

Accordingly, a hearing shall be conducted on **February 17**, at **2:00 p.m.** using video conferencing in accordance with Administrative Rule Ins 206.01(b). If a party does not have access to the internet or the capabilities to participate by video, the party must contact the Hearing Clerk as soon as possible to arrange to use a computer at the Department for the hearing. All parties should review the enclosed Remote Hearing Guidelines for further information regarding remote hearing procedures.

SO ORDERED.

Date: January 8, 2021



Michelle Heaton, Hearing Officer



The State of New Hampshire Insurance Department

21 South Fruit Street, Suite 14
Concord, NH 03301
(603) 271-2261 Fax (603) 271-1406
TDD Access: Relay NH 1-800-735-2964

Christopher R. Nicolopoulos
Commissioner

Remote Enforcement Hearing Guidelines

Due to the current state of emergency related to the COVID-19 pandemic, the Department will be conducting enforcement hearings remotely, using Webex video conferencing. To facilitate remote hearings, the Department has adopted the following “Remote Enforcement Hearing Guidelines.”

I. Prehearing Preparation

No later than the close of business three days prior to a scheduled hearing, unless otherwise ordered, each party shall submit a witness and exhibit list along with the exhibits electronically to the Hearing Clerk with an email subject heading that lists the name of the matter and the docket number. Large files must be broken down into files that do not exceed 10 MB in size, and individual emails may not exceed 10 MB in size.

A paper copy shall also be submitted to the Hearing Clerk as soon as practical for the party, but no later than the close of the record. All filings must comply with Ins 205.02 (Format of Documents). Please note that electronic signatures are acceptable.

The witness list should include a brief description of the witness’ anticipated testimony. The Hearing Officer may limit the number of witnesses or time for each witness’s testimony pursuant to Ins 203.01.

All exhibits must be pre-filed electronically with the required markings. Each exhibit must be pre-marked in the upper right hand corner of each page with the docket number and the exhibit number using the following identification: Docket Number, Name of Party, Exhibit [#]. Each exhibit must be sequentially paginated and Bates stamped or numbered using Arabic numerals only. Page numbers must appear in the lower right corner of each page of the exhibit, in approximately the same location, unless such placement would cause confusion or block the view of necessary information in the exhibit.

Any confidential exhibits should be clearly identified on the exhibit list as confidential and should indicate the basis for their confidentiality. Each confidential exhibit should also be marked as confidential in the upper right hand corner of each page under the exhibit number. The party submitting the confidential exhibit must also file a motion to seal the exhibit detailing the basis for holding such exhibits as confidential.

Unless otherwise ordered or previously approved, all parties and witnesses must be video-enabled. Participants will be sent a link to the Webex video conference in advance that will enable them to join the hearing. Participants may download and test the Webex software in advance of the hearing or conduct a test meeting at <https://www.webex.com/test-meeting.html/>.

If a party does not have access to the internet or the capability to participate in their Hearing by video, the party must contact the Hearing Clerk as soon as possible to arrange to use a computer set up at the department for their hearing.

Each party must ensure the Hearing Clerk has email addresses for anyone planning on participating in the hearing. A party may submit one email for all of its participants (witnesses, attorneys, etc.) listing the name, email address, telephone number, and role of each participant. If a party has more than one attorney, the party should identify the lead counsel prior to the hearing. The lead counsel will be responsible for speaking for the party generally. Requests to sequester witnesses must be submitted to the hearing clerk no later than 3 days prior to the hearing.

II. Conduct of Remote Hearing

All parties must have available during the hearing a copy of all exhibits filed. When referring to exhibits, parties shall state the pre-marked exhibit number and page number. Parties are encouraged to display an exhibit (or exhibits) on the screen using the “Share Content” function in Webex. The “chat” function in Webex will be disabled for all hearings.

The hearing will be audio and video recorded through Webex. Therefore, during the hearing, all participants must choose the “mute” option when they are not speaking to ensure the best sound quality. Everyone will be muted upon entry to the hearing and must unmute themselves before speaking. The hearing officer will mute any participant causing noise interference. Any party wishing to make an objection may unmute for that purpose. For any other issue, anyone wishing to speak should raise their hand first using the raise hand function in Webex or by waving their hand in front of their camera and should only speak after being recognized to do so by the hearing officer.

All parties must have their video on when participating in the hearing unless otherwise directed. All webcams should be positioned to capture the participant from the shoulders up. Witnesses must have their video webcam on when testifying. All other participants and witnesses that are not testifying are encouraged to turn off their video. The Hearing Officer may turn off the video of anyone that is distracting during the proceeding, or to improve the quality of the video conferencing.

Anyone who becomes disruptive during the hearing may be expelled from the hearing by the Hearings Officer and will not be allowed to participate further in the hearing.

If anyone experiences difficulties obtaining access to, or participating in, the hearing, either before or during the hearing, that person should call the Hearing Clerk at (603) 271-2460 **as soon as possible**.

The Hearings Officer may issue further orders as necessary.