

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

In re: David J. Burbine

Docket No.: INS No. 06-027-EP

Consent Order and Agreement

On August 28, 2006, the Department issued an Order to Show Cause and Notice of Hearing ("Show Cause Order") in the above captioned action against David J. Burbine ("Respondent"). The Show Cause Order was issued in response to the Department's investigation of complaint against Respondent alleging violations of New Hampshire insurance law.

FINDINGS AND ALLEGATIONS

Base upon the findings of the investigation, the Department alleged the following in the Show Cause Order, as amended:

A. On or about November 11, 2005, the Respondent solicited and accepted an application from James R. Williams, III for a life insurance policy with Chase Insurance Life and Annuity Company ("Chase"). In the application, Mr. Williams specified that he wanted the disability rider offered by the company. On or about December 6, 2005, Chase contacted the Respondent stating that it would not issue the policy with the disability rider because Mr. Williams' occupation was not within the underwriting guidelines for this product. The company required that the Respondent obtain Mr. Williams' signature on an Amendment of Application acknowledging that the policy would be issued without the rider. However, without Mr. Williams' consent or knowledge, the Respondent did forge Mr. Williams' signature on said Amendment of Application. When questioned by Department investigators, the Respondent voluntarily admitted that he forged Mr. Williams' signature.

B. The Respondent's actions violate 402-J:12, I (h) and (j):

I. The commissioner may place on probation, suspend, revoke, or refuse to issue or renew an insurance producer's license, or may levy a penalty in accordance with RSA 400-A:15, III or any combination of actions for any one or more of the following causes:

(h) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;

(j) Forging another's name to an application for insurance or to any document related to an insurance transaction.

AGREED ORDER

Having read and understood the above findings and allegations and upon the advice of counsel, the Respondent consents and agrees to the following Order of the Commissioner:

1. After being informed of his right to a hearing under RSA 400-A:17 and RSA 541-A:31, the Respondent knowingly waives his right to a hearing on this matter.
2. Respondent's producer license (#0371102) shall be suspended for a period of one year, commencing on September 1, 2007.

a. During the term of the suspension, Respondent may not sell, solicit, or negotiate any insurance in this state. Respondent may receive commissions on business produced prior to the date of the suspension.

b. If, following an investigation, the Department finds that the Respondent or the Agency sold, solicited or negotiated any insurance during the one year period of the suspension, the Department shall issue a Notice of Hearing to Respondent to determine whether his license should be revoked.

3. Respondent shall pay an administrative penalty of Two Thousand Five Hundred Dollars (\$2,500) to the New Hampshire Insurance Department. This administrative penalty shall be paid by certified check, cashier's check or money order made payable to the Treasurer, State of New Hampshire.

4. This Order shall be fully enforceable in the State of New Hampshire in any Superior Court.

IT IS SO ORDERED.

NEW HAMPSHIRE INSURANCE DEPARTMENT
ROGER SEVIGNY, COMMISSIONER

Dated:

9-1-07
adriana
WEC

David J. Burbine

DAVID J. BURBINE

Dated:

9-13-07

RAS