

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

In Re: Robert T. Olivier

Docket No.: INS No. 06-034-EP

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

1. Pursuant to New Hampshire Revised Statutes (“RSA”) 400-A:17, Robert T. Olivier (“Respondent”) is hereby notified that a hearing will be conducted on October, 3, 2006 at 10:00 a.m. in the offices of the New Hampshire Insurance Department (“Department”), 21 South Fruit Street, Suite #14, Concord, New Hampshire. This hearing is scheduled for purposes of giving the Respondent the opportunity to show cause why the license issued by the Department should not be revoked for violations of RSA 402-J:12, I.

2. Specifically, the Department alleges that:

A. On or about September 29, 2003, Respondent issued a Certificate of Liability Insurance (“Certificate”) on behalf a client, James Miles, to a party with whom his client was providing building services. The Certificate represented that his client had general liability insurance coverage through Providence Mutual Fire Insurance Company and workers compensation insurance through Liberty Mutual Insurance Company. The Certificate contained policy numbers, policy limits and effective dates. It was later discovered that no insurance policies were ever issued and did not exist at the time the Certificate was prepared. In a subsequent deposition, the Respondent stated that he knew that there were no policies in existence on the day he produced the Certificate.

B. Based upon the above information, the Respondent’s actions violate RSA 402-J:I (h):
“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...dishonest practices, or demonstrating incompetence, untrustworthiness...in the conduct of business in this state or elsewhere.”

3. Should the Respondent elect to be represented by counsel, Respondent’s counsel shall file a notice of appearance with the Hearing Officer at the earliest possible date.

4. Chiara Dolcino, Legal Counsel for the Department, is hereby appointed as the Hearing Officer. The Hearing Officer shall issue a decision in this matter in accordance with Ins 204.5.

5. John Talley, Enforcement Examiner, shall serve as the Department's Staff Advocate in this matter, with the authority to represent the public interest within the scope of the Department's authority. The Staff Advocate shall have the status of a party to this proceeding.
6. All documents shall be filed with the Hearing Officer in the form of an original and one (1) copy, and shall bear a certification that a copy has been delivered to all other parties to this matter in accordance with Ins 204.09. Filings by facsimile or electronic transmission shall not be accepted and shall not constitute a filing.
7. Unless otherwise order by the Hearing Officer, the parties to this hearing shall exchange exhibits, including an accompanying list/index of all exhibits, and witness lists accompanied by a brief summary of the witness's testimony, no later than 5 business days prior to the hearing. Respondent's exhibits shall be pre-marked for identification with capital letters. The Department's exhibits shall be pre-marked for identification with Arabic numbers.
8. A party may request a transcript of the proceeding. The costs incurred for the services of a certified court reporter shall be borne by the requesting party. The party requesting a transcript of the proceedings shall file a written request for a certified court reporter with the Hearing Officer at least 20 days prior to the scheduled hearing date.
9. Ins 204.05 (a) establishes the burden of proof and the burden of persuasion for the parties herein. Respondent's failure to appear at the time, date and place specified herein shall result in the hearing being held *in absentia* and/or a default ruling in favor of the Department, without further notice or opportunity to be heard.
10. These proceedings shall be conducted in accordance with the provisions of RSA 541-A and Ins 200. Copies of Department rules may be obtained through the Department's website, www.state.nh.us/insurance.

NEW HAMPSHIRE INSURANCE DEPARTMENT

Date: 9-7-06



By: Roger Sevigny, Insurance Commissioner