

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

In Re: William O'Brien

Docket No.: Ins. No. 09-028-EP

Default Judgment and Order

Findings of Fact

WHEREAS, the New Hampshire Insurance Department ("NHID") issued an Order to Show Cause and Notice of Hearing against William O'Brien ("Respondent") on April 14, 2009, which alleged, in essence, that the Respondent violated RSA 402-J:3, I by selling, soliciting or negotiating insurance without an insurance producer's license issued by the NHID; and

WHEREAS, the Respondent has never filed an Appearance or other responsive pleading; and

WHEREAS, the Respondent failed to appear at: (1) the Prehearing Conference conducted on August 17, 2009; (2) the final Prehearing Conference conducted on December 21, 2009; and (3) the adjudicatory hearing conducted during the week of January 11, 2010; and

WHEREAS, the Hearing Officer is satisfied the Respondent received notification of the two Prehearing Conferences and the adjudicatory hearing (specifically, the NHID, through Deborah O'Loughlin, the Hearing Officer's Clerk in this matter, copied the Respondent on all orders issued by the Hearing Officer, including the Scheduling Order issued following the Prehearing Conference. Furthermore, in an Affidavit filed in

support of the NHID's Proposed Default Judgment and Order, Richard P. McCaffrey, the NHID's Compliance & Enforcement Counsel, avers that the Respondent telephoned him on August 16, 2009 and that the Respondent advised Mr. McCaffrey he was still considering whether or not to appear in the matter. Mr. McCaffrey's Affidavit further states that he also spoke to the Respondent by telephone on August 21, 2009 and advised the Respondent of the dates of the final Prehearing Conference and the adjudicatory hearing):

Order

1. For the reasons outlined above, the Hearing Officer enters a default judgment against the Respondent.

2. Having failed to appear or otherwise defend the allegations against the Respondent, the Hearing Officer enters an adverse finding against the Respondent and finds that the Respondent violated RSA 402-J:3, I by selling, soliciting or negotiating insurance without an insurance producer's license issued by the NHID.

3. The Hearing Officer, pursuant to RSA 402-J:12, I, orders the Respondent to pay an administrative fine in the amount of \$2,500 within 30 business days of the date of this Order.

So Ordered.

Date: February 17, 2010

By: 
Russell F. Hilliard, Hearing Officer