

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

In Re: Howard Farber

Docket No.: INS No. 10-009-EP

NOTICE OF HEARING

Pursuant to RSA 400-A:17, and upon the Petition of Howard Farber ("Petitioner"), notice is hereby provided to Petitioner that a hearing shall be held on March 10, 2010 at 9:00 a.m. at the offices of the New Hampshire Insurance Department ("NHID"), 21 South Fruit Street, Suite 14, Concord, New Hampshire. The purpose of the hearing is to provide the Petitioner with the opportunity to show why his application for a New Hampshire insurance producer's license should be approved.

On December 28, 2009, the Petitioner submitted a non-resident insurance producer license application to the Department to renew his license in New Hampshire. In the application, the Petitioner answered "Yes" to background question number 2 and provided documents showing administrative actions taken against him in Vermont, Pennsylvania and Kansas. Each of those States had revoked Petitioner's producer license for failure to inform the department of his New York criminal conviction for Sexual Abuse 2nd degree, a misdemeanor, adjudicated December 2, 2004 and/or his Florida conviction for Failure to Register as a Sexual Offender, a felony, adjudicated January 6, 2006.

The NHID subsequently determined that (1) Petitioner failed to inform the NHID of his criminal convictions in his initial license application dated September 2, 2006; (2) Petitioner provided incomplete information on his renewal application by not submitting the administrative actions of Ohio and Virginia revoking his license; and (3) as a licensed producer, Petitioner failed to report the other States' administrative actions within 30 days of the date of final disposition. Accordingly, the Department denied the Petitioner's application in a letter dated January 26, 2010, referencing as the reasons for denial RSA 402-J:12, I (a), (b), (f) and (i) and RSA 402-J:17, I.

The denial letter informed the Petitioner of his right to have a hearing on the reasonableness of the denial, and the Petitioner, pursuant to RSA 400-A:17, timely requested a hearing.

Pursuant to Ins 204.12, the Petitioner is advised he has the right to have an attorney present to represent his interest, or the Petitioner may represent himself. If the Petitioner elects to be represented by counsel, the Petitioner shall be responsible for his own attorney's fees and costs, and the Petitioner's attorney shall file a notice of appearance at the earliest possible date.

The Petitioner may request that the hearing be transcribed. The Petitioner shall bear the cost of retaining a certified court reporter to transcribe the hearing. The

Petitioner wishes to have the hearing transcribed, the Petitioner shall file a written request for a certified court reporter with the Hearing Officer at least 10 days prior to the scheduled hearing date.

The Commissioner appoints Donald Belanger as the Hearing Officer as provided in Department regulations. Richard McCaffrey, Enforcement Counsel, shall appear as Staff Advocate, representing the interests of the Department pursuant to Ins 203.06. The contact information for the Department is:

New Hampshire Insurance Department
21 South Fruit Street, Suite 14
Concord, NH 03301
(603) 271-2261

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 New Hampshire Code of Administrative Rules Ins 204.09. Filings by facsimile or electronic transmission shall not be accepted and shall not constitute a filing.

At the conclusion of the hearing, the Hearing Officer may order the Petitioner and/or the Staff Advocate to file proposed findings of fact and conclusions of law and/or proposed orders.

The burden of proof, by a preponderance of the evidence, shall be borne by the Petitioner.

The Petitioner'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.

These proceedings shall be conducted in accordance with the provisions RSA 541-A: 31 through 38 and New Hampshire Code of Administrative Rules Ins 200. A copy of these Administrative Rules may be obtained through the Department's website, www.state.nh.us/insurance.

It is SO ORDERED.

NEW HAMPSHIRE INSURANCE DEPARTMENT

Dated: 2/22/10

Alexander K. Feldweber, Deputy Commissioner, for
Roger Sevigny, Commissioner