

STATE of NEW HAMPSHIRE INSURANCE DEPARTMENT

**In re: Michael S. Bettencourt
Docket No.: Ins 12-008-EP**

ALTERNATIVE SANCTION CONSENT ORDER

Pursuant to the provisions of a FINAL DECISION and ORDER issued by the Commissioner on January 11, 2013, the Respondent, Michael S. Bettencourt, having read and understood the findings and ruling of the FINAL DECISION and ORDER, and having consulted with his legal counsel, and being aware of all his rights including his right to appeal the findings and ruling of the FINAL DECISION and ORDER, hereby elects to enter into this CONSENT ORDER and abide by its terms and conditions.

- (1) The Respondent does not contest the findings of the Hearing Officer as adopted by the Commissioner in the FINAL DECISION and ORDER concerning violations of RSA 402-J:12, I(h); RSA 417:4, I(h); and RSA 417:4, I(b).
- (2) The 6 month license suspension recommended by the Hearing Officer and adopted in the FINAL DECISION and ORDER shall be held in abeyance.
- (3) The Respondent shall instead be placed on probation for a two year period of "good behavior," beginning the date this Consent Order is executed by the Respondent.
- (4) Upon successful completion of the two year period of probation with good behavior, and satisfaction of all other terms of the FINAL DECISION and ORDER, including payment of the \$15,000 fine, the Respondent's producer license shall be fully reinstated without condition of probation, and the terms of the Consent Order shall be satisfied.
- (5) During the 2 year period of probation, the Department may conduct necessary periodic investigations or examinations pursuant to the provisions of RSA 400-A:16 or RSA 400-A:37 to ensure good behavior.
- (6) "Good behavior" means that the Respondent has not committed any violation of insurance law as determined by the Commissioner without adjudicative hearing.
- (7) Upon a determination by the Commissioner that the Respondent has failed to conduct himself with good behavior, the 6 month license suspension shall be reinstated.
- (8) In the event the Commissioner determines the Respondent has failed to conduct himself with good behavior during the period of probation, the Commissioner shall provide to the Respondent a Notice of the Reinstatement of the 6 month suspension of his producer license,

describing the nature of his determination and how the Respondent has failed to conduct himself with good behavior, together with an affidavit supporting the determination. The 6 month suspension shall run for its full term, commencing on the date specified by the Commissioner in the Notice of Reinstatement.

(9) The Respondent shall have the right to file a Motion for Reconsideration of the Commissioner's determination that the 6 month suspension be reinstated. In accordance with the procedure set forth in Ins 204.21, the Commissioner may reconsider, revise or reverse his determination to reinstate the suspension based upon the existing record, or if the Commissioner believes further argument or data should be considered, the Commissioner shall issue an appropriate order providing the parties with notice and an opportunity to be heard.

(10) Except for the right to reconsideration, the Respondent specifically waives all other due process rights related to a challenge of the reinstatement of the 6 month suspension (including the right to an adjudicative proceeding as defined in RSA 541-A, but not any hearing afforded during reconsideration), and the Respondent also waives any right to prior notice of the reinstatement of the 6 month suspension of his producer's license, provided however, no other fine, license suspension, revocation or other sanction or penalty in addition to the reinstatement of the 6 month suspension of license shall be imposed without the Respondent being afforded his full due process rights, including an opportunity for adjudicative proceeding in accordance with Title XXXVII and the Administrative Procedure Act.

(11) This Consent Order shall be fully enforceable in the State of New Hampshire in any Superior Court.

As set forth in the FINAL DECISION and ORDER of the Commissioner, this Consent Order shall modify and supersede the terms of the adopted PROPOSED DECISION and ORDER, but only as to the 6 month suspension and 18 month period of probation.

IT IS SO ORDERED.

NEW HAMPSHIRE INSURANCE DEPARTMENT
ROGER SEVIGNY, COMMISSIONER

Date:

1-24-13



RESPONDENT, MICHAEL S. BETTENCOURT

Date:

1-14-13


