

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

In Re: Douglas A. Bevins

Docket No.: INS No. 12-035-EP

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

The New Hampshire Insurance Department (“NHID”) orders Douglas A. Bevins (“Respondent”) to show cause why the New Hampshire Insurance Commissioner should not suspend or revoke his insurance producer license. In support of the Order to Show Cause and pursuant to RSA 541-A:31, the NHID states as follows:

I. STATEMENT OF FACTS

A. The Respondent

The Respondent is a licensed New Hampshire resident insurance producer. The Respondent was first licensed by the NHID effective August 14, 2007. The Respondent is licensed to sell Life, Accident and Health insurance products. His current license expires on August 31, 2013.

B. The Respondent Failed to Disclose Prior Administration Proceedings Against Him on his Initial Application for a Resident New Hampshire Insurance Producer License.

The Respondent applied for an initial resident New Hampshire insurance producer license on August 13, 2007. Background Question # 2 of the insurance producer application asked: “Have you or any business in which you are or were an owner, partner, officer or director, or member or manager of a limited liability company, ever been involved in an administrative proceeding regarding any professional or occupational license, or registration?” Respondent answered “NO” to this question. In fact, the Respondent should have answered “YES” to this question.

Specifically, on October 15, 2004, the Maine Board of Dental Examiners summarily suspended the Respondent’s license to practice dentistry in Maine pending a hearing regarding multiple allegations of professional misconduct, including allegations of sexual misconduct with two female patients. In November 2004, the Maine Board of Dental Examiners and the Respondent entered into a Consent Agreement. Under the terms of the Consent Agreement, the Respondent agreed to a permanent revocation of his license to practice dentistry in Maine. The Respondent expressly admitted in the Consent Agreement that his “conduct [fell] below the standard of care and amounts to incompetence and/or unprofessional conduct and grounds for discipline pursuant to 32 M.R.S.A § 1077(2) (E) & (F), and Board Rules, Chapter, Section F.”

When the Respondent answered Question # 2 of the NHID producer licensing application, he should have disclosed the Maine Board of Dental Examiners' revocation of his Maine license to practice dentistry. However, he did not.

Similarly, the Respondent also failed to disclose an administrative proceeding brought against him by the New Hampshire Board of Dental Examiners. On April 12, 2004, the Respondent submitted an application for a license to practice dentistry to the New Hampshire Board of Dental Examiners. (The Respondent had previously been licensed to practice dentistry in New Hampshire from 1991 to 1996, but he had allowed his license to lapse.) The New Hampshire Board of Dental Examiners' application asked the Respondent if there were any "disciplinary actions or investigations pending against [his] license?" The Respondent answered "NO." However, at the time the Respondent submitted the 2004 licensing application to the New Hampshire Board of Dental Examiners, the Respondent either knew or should have known the Maine Board of Dental Examiners had already initiated its investigation of the facts and allegations that were ultimately the subject of the November 9, 2004 Consent Agreement between the Respondent and the Maine Board of Dental Examiners.

The New Hampshire Board of Examiners postponed action on the Respondent's pending application until after the Maine Board of Dental Examiners concluded its administrative proceeding against the Respondent. On October 6, 2005, the New Hampshire Board of Dental Examiners issued a "Decision and Order" denying the Respondent's application for a license to practice dentistry in New Hampshire. When the Respondent answered Question # 2 of the NHID producer licensing application, which is quoted in the first paragraph of Section I, B of this Order, he should have disclosed the denial of his application to practice dentistry in New Hampshire. However, he did not.

C. The Respondent Failed to Disclose Prior Administration Proceedings Against Him on his Application for Renewal of His Resident New Hampshire Insurance Producer License.

On September 1, 2011, the Respondent applied for renewal of his resident New Hampshire producer license.¹ Background Question #2 of the renewal application asked: "Have you been named or involved as a party in an administrative proceeding regarding any professional or occupational license, or registration, *which has not been previously reported to this state?*" (Italics added.) The Respondent answered "NO" to this question. However, the Respondent should have answered "YES" to this question because he had never previously reported to the NHID either the 2004 proceeding of the Maine Board of Dental Examiners or the 2005 proceeding of the New Hampshire Board of Dental Examiners.

¹ The Respondent also applied for the renewal of his insurance producer license on September 1, 2009. However, at that time Question #2 was phrased in such a way that renewing licensees, including the Respondent, were arguably not required to disclose the prior administrative proceedings on the renewal application. Question # 2 was subsequently revised to make it clear that renewing licensees must report any previously undisclosed administrative proceedings on the renewal application, and that revision was in effect on September 1, 2011. In any case, the NHID is not alleging that the Respondent violated New Hampshire insurance law when he failed to report his prior administrative proceedings on his 2009 renewal application.

D. The NHID Discovers the Respondent's Prior Administration Proceeding.

On July 31, 2012, Arthur G. Hosford, Jr. ("Mr. Hosford"), a staff attorney with the Maine Bureau of Insurance ("the Maine BOI"), contacted the NHID to advise that the Maine BOI had discovered that the Respondent had failed to disclose his prior administrative proceedings when he applied for a Maine insurance producer license in 2009. Mr. Hosford inquired whether or not the Respondent had reported his prior administrative proceedings to the NHID when he initially applied for his resident New Hampshire insurance producer license. As demonstrated above the Respondent had never disclosed the prior administrative proceedings to the NHID, either on his initial application or his renewal application. Following Mr. Hosford's inquiry, the NHID opened an investigation into the Respondent's apparent violations of New Hampshire insurance law.

On October 4, 2012, Attorney Steven J. Lauwers contacted the NHID to advise that he was representing the Respondent in New Hampshire. Attorney Lauwers also advised the Respondent's attorney in Maine, John Gleason, was "working with the Maine Bureau of Insurance with respect to [the Maine BOI's] concerns about the accuracy of [the Respondent's] original producer application." By October 4, 2012, of course, the NHID already knew that the Respondent had failed to disclose the 2004 and 2005 administrative proceedings on either his initial application for a New Hampshire producer license or his 2011 renewal application. Moreover, when the Respondent did finally disclose the prior administrative proceedings to the NHID, that disclosure came more than three months after the Maine BOI had initiated its investigation of the Respondent; seven years after the New Hampshire Board of Dental Examiners denied the Respondent's application for a New Hampshire license to practice dentistry; and nearly eight years after the Maine Board of Dental Examiners revoked the Respondent's Maine license to practice dentistry.

The NHID reserves the right to amend this Statement of Facts upon reasonable notice to the Commissioner (or his designated representative) and the Respondent.

II. STATEMENT OF ISSUES

A. Whether the Respondent violated RSA 402-J:12, I (a) by providing incorrect, and materially untrue information in the initial 2007 license application.

B. Whether the Respondent violated RSA 402-J:12, I (a) by providing incorrect and materially untrue information in the 2011 renewal license application.

C. Whether the Respondent violated RSA 402-J:12, I, (h) by demonstrating untrustworthiness in the conduct of business in this state or elsewhere.

The NHID reserves the right to amend this Statement of Issues upon reasonable notice to the Commissioner (or his designated representative) and the Respondent.

III. NEW HAMPSHIRE INSURANCE LAWS VIOLATED BY RESPONDENT

The NHID maintains that Respondent has violated RSA 402-J:12, I (a) and (h).

The NHID reserves the right to amend this list of insurance laws violated by the Respondent upon reasonable notice to the Commissioner (or his designated representative) and the Respondent.

IV. REQUEST FOR ADMINISTRATIVE PENALTIES

Based on the insurance law violations alleged above, the NHID requests that the Commissioner (or his designated representative) revoke the Respondent's New Hampshire producer license and levy an appropriate administrative fine as provided by law.

V. NOTICE OF HEARING

Pursuant to RSA 541-A:31 and Chapter Ins 200, the hearing in this matter shall commence on December 5, 2012 at 9:00 a.m at the offices of the NHID, which are located at 21 South Fruit Street, Suite 14 in Concord, New Hampshire.

The Insurance Commissioner or his representative shall act as the Hearing Officer at the hearing.

Any party may request a transcript of the proceeding. The party requesting a transcript of the proceedings 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 costs incurred for the services of a certified court reporter shall be borne by the requesting party.

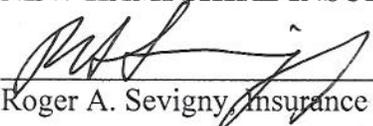
The Respondent also has the right to be represented by counsel at his expense. Should Respondent elect to obtain counsel, said counsel shall file a notice of appearance with the Commissioner at the earliest possible date.

Richard P. McCaffrey, the NHID's Compliance and Enforcement Counsel, shall appear as staff advocate, representing the interests of the NHID.

SO ORDERED.

NEW HAMPSHIRE INSURANCE DEPARTMENT

Date: 10-30-12

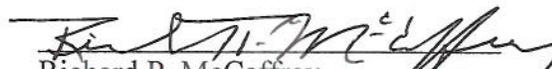


Roger A. Sevigny, Insurance Commissioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Order to Show Cause and Notice of Hearing was sent this day by first-class mail, postage prepaid, to the Respondent and also by email and first-class mail, postage prepaid and to Steven J. Lauwers, Esquire, counsel for the Respondent.

Date: 10/30/2012


Richard P. McCaffrey
Compliance & Enforcement Counsel