

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

In Re: Richard L. Atkinson, Jr.

Docket No.: INS No. 12-037-EP

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

The New Hampshire Insurance Department (“NHID”) orders Richard L. Atkinson (“Respondent”) to show cause why the New Hampshire Insurance Commissioner should not suspend or revoke his nonresident New Hampshire insurance producer’s license, or levy an administrative fine, or both. In support of the Order to Show Cause and pursuant to RSA 541-A:31 and RSA 400-A:17, the NHID states as follows:

I. STATEMENT OF FACTS

The Respondent is domiciled in the State of Georgia and is a licensed insurance producer in that State. Since April 30, 2012, the Respondent has held a non-resident insurance producer’s license in the State of New Hampshire. At the time the Respondent applied for his non-resident New Hampshire producer’s license, the Respondent was employed by Kubota Tractor Acceptance Corporation d/b/a KTAC Insurance Agency (“Kubota”).

On or about April 23, 2012, the Respondent submitted to the NHID an application for an initial non-resident New Hampshire insurance producer’s license. Background Question # 2 of the 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. More specifically, the Respondent failed to disclose an

administrative proceeding instituted by the Georgia Insurance Department that was resolved through a License Reinstatement Consent Order dated April 23, 2012, just seven days before the Respondent applied for his non-resident New Hampshire producer's license.

A few months later, on August 10, 2012, the Respondent entered into a Stipulation and Consent Order with the Delaware Insurance Department. The Respondent never reported the Delaware administrative proceeding to the New Hampshire Insurance Department as required under RSA 402-J:17.

Finally, Background Question # 1 of the Respondent's April 23, 2012 insurance producer application asked: "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?" The Respondent answered "NO" to Question 1 on the application. However, by correspondence dated September 4, 2012, Kubota advised the NHID that it had terminated the Respondent's employment because it had learned that the Respondent "had been arrested and charged with a crime other than a misdemeanor traffic offense." Kubota further advised that the Respondent's criminal arrest had occurred prior to the submission of his April 23, 2012 insurance producer application. On October 12, 2012, pursuant to its authority under RSA 400-A:16, the NHID sent a letter by certified mail, return receipt requested, seeking documents and information regarding the circumstances concerning the criminal arrest referenced in Kubota's September 4, 2012 letter. Although the Respondent acknowledged receipt of the NHID's October 12, 2012 letter, the Respondent never responded to the NHID's request for documents and information.

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 failing to disclose the Georgia administrative proceeding on his application for a non-resident New Hampshire insurance producer's license.

B. Whether the Respondent violated RSA 402-J:17, I by failing to report the Delaware administrative proceeding within 30 days of final disposition.

C. Whether the Respondent violated RSA 400-A:16, II by failing to respond to the NHID's October 12, 2012 request for documents and information.

D. Whether the Respondent's failure to disclose the Georgia and Delaware administrative proceedings demonstrates untrustworthiness in the conduct of business in violation of RSA 402-J:12, I (h).

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, h); RSA 402-J:17, I; and RSA 400-A:16, II.

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 or suspend the Respondent's New Hampshire non-resident insurance producer's license, or levy an administrative fine, or both.

V. **NOTICE OF HEARING**

Pursuant to RSA 541-A:31 and Chapter Ins 200, **the hearing in this matter shall commence on March 19, 2013 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 designated representative shall act as the Hearing Officer at the hearing.

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

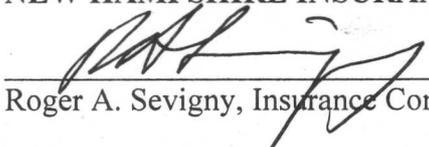
Any party may request a transcript of the proceeding. The party requesting a transcript of the proceedings shall file a written request for a certified court reporter with the Hearing Officer at least 10 days prior to the scheduled hearing date. The costs incurred for the services of a certified court reporter shall be borne by the requesting party.

Donald L. Belanger, Enforcement Examiner, shall appear as staff advocate representing the interests of the Insurance Department.

It is **SO ORDERED**.

NEW HAMPSHIRE INSURANCE DEPARTMENT

Date: 1-29-13

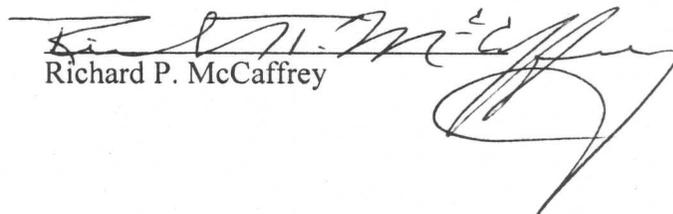


Roger A. Sevigny, Insurance Commissioner

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 date by first-class mail, postage prepaid, and by certified mail, return receipt requested, to Richard L. Atkinson, Jr., 1027 Sham Pointe Drive, Lawrenceville, GA 30043.

Date: January 29, 2013


Richard P. McCaffrey