

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

In Re: John W. Pribil

Docket No.: INS No. 14-020-EP

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

The New Hampshire Insurance Department (“NHID”) orders John W. Pribil (“Respondent”) to show cause why the New Hampshire Insurance Commissioner should not suspend or revoke his 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, RSA 400-A:17 and Ins Part 200, the NHID states as follows:

I. STATEMENT OF FACTS

The Respondent is a nonresident insurance producer, licensed to sell to sell accident and health insurance products in New Hampshire. He resides in the State of Florida.

In May of 2013, the Respondent applied for an appointment with Golden Rule Insurance Company (“Golden Rule”). The Respondent used his own Social Security Number (“SSN”) on the initial application. However, on June 1, 2013 Respondent submitted a further application for appointment with the Golden Rule that contained a SSN different than the SSN the Respondent used gave on his initial application. As it turned out, the SSN the Respondent used on the June 1, 2013 application belonged to a Florida woman who was *deceased*. A Golden Rule investigation adduced the following facts: 1) That on his June 1, 2013 application for appointment, the Respondent used the SSN of a deceased person; 2) that the Respondent purchased the decedent’s SSN from a third party; and 3) that the Respondent’s motive in acquiring and using a false SSN was to deceive Golden Rule regarding his own poor credit

history. As a result of its investigation, Golden Rule terminated the Respondent's appointment, effective June 21, 2013.

Since Golden Rule terminated the Respondent's appointment, no fewer than ten States have revoked the Respondent's insurance producer license, including: Arkansas, California, Illinois, Kansas, Kentucky, Louisiana, Maine, Nebraska, Texas and West Virginia. Additionally, the State of Indiana has suspended the Respondent's insurance license. The Respondent has never reported any of these other States' administrative actions to the NHID.

The Department 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 used dishonest practices or demonstrated untrustworthiness in the conduct of business in violation of RSA 402-J:12, I (h) by using a deceased person's SSN when he completed the June 1, 2013 application for an appointment with Golden Rule.

B. Whether, pursuant to RSA 402-J:12, I, (i), the Respondent's New Hampshire non-resident insurance producer license should be suspended or revoked because eleven other states have already revoked or suspended the Respondent's producer.

C. Whether the Respondent violated RSA 402-J:17, I by failing to report to the NHID within thirty days of final disposition the revocation of his producer licenses by the States of Arkansas, California, Illinois, Kansas, Kentucky, Louisiana, Maine, Nebraska, Texas and West Virginia, and the suspension of his producer license by the State of Indiana.

The Department 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

A. The Department maintains that Respondent violated RSA 402-J:12, I, (h); RSA 420-J:12, I, (i); and RSA 402-J:17, I.

The Department 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.

V. NOTICE OF HEARING

Pursuant to RSA 541-A:31 and Ins Part 200, the hearing in this matter shall commence on August 13, 2014 at 9:30 a.m. at the offices of the Department, which are located at 21 South Fruit Street, Suite 14 in Concord, New Hampshire.

James Fox, Esquire shall preside as the Hearing Officer in this matter.

Sarah Prescott shall serve as clerk to the Hearing Officer. The parties should direct all communications to Ms. Prescott, whose contact information is:

Sarah Prescott, Clerk
New Hampshire Insurance Department
21 South Fruit Street, Suite 14
Concord, NH 03301
Tel: (603) 271-2261
Fax: (603)271-1406
Email: sarah.prescott@ins.nh.gov

The Respondent has the right to be represented by legal counsel at his own expense. Should the Respondent elect to retain an attorney, his attorney shall file a Notice of Appearance with Ms. Prescott at the earliest possible date. A copy of the Department's Notice of Appearance is enclosed with this Order.

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

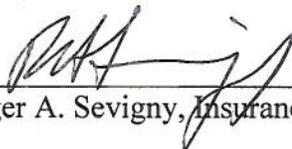
at least 10 days prior to the scheduled hearing date. The costs incurred for the services of a certified court reporter shall be borne by the requesting party.

Richard McCaffrey, Esquire shall appear as staff advocate representing the Insurance Department.

It is **SO ORDERED**.

NEW HAMPSHIRE INSURANCE DEPARTMENT

Date: July 11, 2014

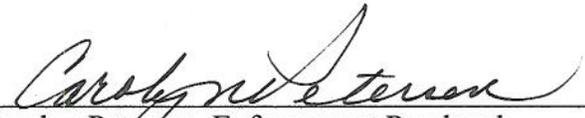


Roger A. Sevigny, Insurance Commissioner

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 John W. Pribil, 1890 NE 211th Terrace, Miami, FL 33179-1527, this being his mailing address on file with the Department.

Date: 7.11.14



Carolyn Petersen, Enforcement Paralegal