

STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT

In re John W. Pribil

INS 14-020-EP

**NHID'S REQUEST FOR FINDINGS OF FACT
AND RULINGS OF LAW**

The New Hampshire Insurance Department ("NHID") by and through its Staff Advocate, Richard McCaffrey, submits the following Request for Findings of Fact and Rulings of Law in the above-referenced matter.

A. PROOF OF DELIVERY OF ORDER TO SHOW CAUSE AND NOTICE OF HEARING

1. FACT: The Order to Show Cause and Notice of Hearing was executed by Commissioner Roger A. Sevigny on July 11, 2014.
2. FACT: The Order to Show Cause and Notice of Hearing was sent to the Respondent, John W. Pribil ("Respondent") by first-class mail, postage prepaid, and Certified Mail, Return Receipt Requested, on July 11, 2014. (NHID Exh. 3, p. 6.)
3. FACT: The address to which the Department sent the Order to Show Cause and Notice of Hearing is 1890 NE 211th Terrace, Miami, Florida. (NHID Exh. 3, p. 6.)
4. FACT: 1890 NE 211th Terrace, Miami, Florida is the mailing address the Respondent maintains on file with the NHID. (NHID Exh. 1, p. 1.)
5. FACT: 1890 NE 211th Terrace, Miami, Florida was current as of July 24, 2014. (NHID Exh. 2, p. 5.)
6. LAW: The NHID satisfied the delivery requirements of Ins. 204.09(c), "Delivery of Documents."

7. FACT/LAW: Moreover, because the Order to Show Cause & Notice of Hearing was properly addressed and mailed in accordance with regular NHID procedures, the NHID is entitled to a presumption that the Respondent received the Order to Show Cause & Notice of Hearing. (See, e.g., *Appeal of City of Concord*, 161 N.H. 169, 173-174 (2010).)

8. FACT/LAW: Pursuant to RSA 400-A:19, VII, the validity of the adjudicative hearing conducted on August 13, 2014 is not affected by the failure of the Respondent to appear at the hearing because the NHID provided the Respondent with proper notice of the hearing.

B. SUMMARY OF MATERIAL FACTS

9. FACT: The Respondent is a Florida resident insurance producer. (NHID Exh. 1, p. 1.)

10. FACT: The last four numbers of the Respondent's actual Social Security number are 5401. (NHID Exh. 1, p. 1.)

11. FACT: In 2013, the Respondent submitted a "Prospective Broker Application" to Golden Rule Insurance Company ("Golden Rule") stating that the last four numbers of his Social Security number were 3221. (NHID Exh. 4, p. 17, 18, 19.)

12. FACT: The Respondent purchased the Social Security number ending in "3221" from a third-party in order to "fix" his credit score. (NHID Exh. 4, p. 48.)

13. FACT: The Social Security number ending in "3221" belonged to a deceased woman named Heather Nicole Welch. (NHID Exh. 4, p. 41.)

14. FACT: On June 21, 2013, Golden Rule issued a letter to Respondent notifying him the company was terminating his affiliation and contract with Golden Rule. (NHID Exh. 7, p. 88.)

15. FACT: Since June 21, 2013, at least ten states have revoked the Respondent's insurance producer license. Those ten states include: Arkansas, California, Illinois, Kansas, Kentucky, Louisiana, Maine, Nebraska, Texas and West Virginia. (NHID Exh. 5, pp. 50-85.)

16. FACT: Moreover, Indiana suspended the Respondent's insurance license on May 28, 2014. (NHID Exh. 5, p. 86.)

17. FACT: The Respondent has never reported any of these other States' administrative actions to the NHID. (NHID Exh. 6, p. 87.)

C. VIOLATIONS OF NEW HAMPSHIRE INSURANCE LAW

18. LAW: The Respondent's purchase and use of a deceased person's Social Security number in order to deceive an insurance company into believing his credit score was better than it actually was constitutes a dishonest practice or demonstrates untrustworthiness in the conduct of business, all in violation of RSA 402-J:12, I(h).

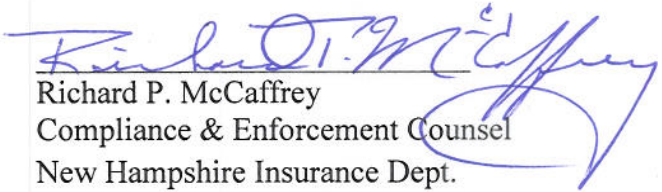
19. LAW: The Respondent's insurance producer license has been revoked by at least 10 states and suspended by another, and the Respondent failed to report any of these state actions to the NHID, all in violation of RSA 402-J:17, I.

20. LAW: The Respondent's insurance producer license has been revoked by at least 10 states and suspended by another, and, in accordance with RSA 402-J:12, I(i), each revocation and suspension is an independent basis for revoking the Respondent's New Hampshire non-resident insurance producer license.

21. LAW: Violations of RSA 402-J:12 and RSA 402-J:17 are subject to the administrative penalties authorized pursuant to RSA 400-A:15, III, including revocation of licensure.

Respectfully submitted,

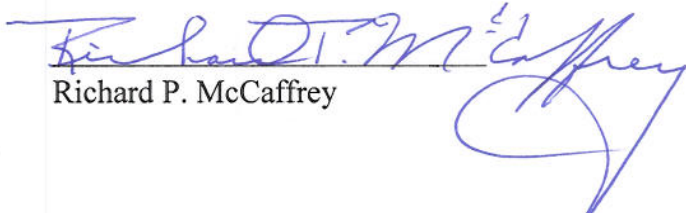
Date: August 13, 2014


Richard P. McCaffrey
Compliance & Enforcement Counsel
New Hampshire Insurance Dept.
21 South Fruit Street, Suite 14
Concord, NH 03301
(603)271-2261

CERTIFICATE OF SERVICE

The undersigned certifies that a true and accurate copy of the foregoing Request for Findings of Fact and Rulings of Law was sent this date by first-class mail, postage prepaid, to the Respondent, John W. Pribil, at the mailing address the Respondent maintains on file with the NHID.

Date: August 13, 2014


Richard P. McCaffrey