

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

**In Re: Susan M. Hare
Docket No.: Ins. No.20-080-EP**

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

The New Hampshire Insurance Department (“NHID”) orders Susan M. Hare (“Respondent”) to show cause why the New Hampshire Insurance Commissioner should not revoke her New Hampshire resident producer license and levy an administrative fine. In support of the Order to Show Cause and pursuant to RSA 541-A:31, RSA 400-A:17 *et seq.* and Ins Chapter 200, the NHID states as follows:

STATEMENT OF FACTS

1. The Respondent is a resident New Hampshire insurance producer with a mailing address listed as 142 Calef Hill Road, Tilton NH 03276, and an email address listed as share@metrocast.net.
2. On October 13, 2020 Respondent submitted an application for a New Hampshire Insurance Producer license in which she answered “Yes” to question 2 on the application inquiring about involvement in prior administrative proceedings involving a professional or occupational license, and “Yes” to question 3 inquiring about demands or judgments on any businesses in which she was an owner, manager, partner, officer, or director.
3. Respondent provided to the NHID documents showing that she was subject to an administrative action in California which resulted in the suspension of her medical license in 2011. In addition, she provided documentation showing a 2013 bankruptcy she was involved in.
4. However, additional research by the NHID revealed that Respondent had also been subject to no less than three administrative actions in New Hampshire relating to her medical license. To wit, in 2011, Respondent was assessed a \$10,000 fine by the NH Medical Board for failing to comply with an earlier settlement; her medical license was revoked by the NH Medical Board for professional misconduct, including practicing medicine when her license was suspended, creating a medical note under another practitioner’s name, and for writing a prescription under another practitioner’s name; and Respondent was further assessed a \$87,900 fine by the NH Medical Board for professional

misconduct, including failing to alert patients and staff of the possibility of her practice's closing, failing to provide patients' medical records when requested, failing to comply with the Medical Board's subpoena, and failing to safeguard patients' medical records.

5. Therefore, on October 23, 2020, pursuant to N.H. RSA 402-J:12 the NHID denied Respondent's application for a New Hampshire insurance producer license.
6. On October 24, 2020, Respondent submitted a second application for a New Hampshire insurance license, and on this application answered "No" to all questions. As a result, that application was processed and Respondent was issued a New Hampshire insurance producer license.
7. However, as noted above, Respondent has been subject to multiple administrative actions relating to a professional or occupational license and should have answered "Yes" to question 2 on her application.

STATEMENT OF ISSUES

8. Whether the Respondent violated NH RSA 402-J:12, I (a), by providing incorrect, misleading, incomplete, or materially untrue information in her license applications.
9. Whether the Respondent violated NH RSA 402-J:12, I (c) by obtaining or attempting to obtain a license through misrepresentation or fraud.
10. The NHID reserves the right to amend this statement of issues upon reasonable notice to the Commissioner (or his designated Representative) and the Respondent.

INSURANCE LAWS VIOLATED BY RESPONDENT

11. The NHID maintains the Respondent violated the following New Hampshire insurance law statutes: NH RSA 402-J:12, I (a) and NH RSA 402-J:12, I (c).
12. 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.

PENALTY REQUESTED

13. In the event that the Hearing Officer determines after an evidentiary hearing that the NHID sustained its burden of proof with respect to the allegations of fact and violations of law outlined above, the NHID requests that the Hearing Officer impose the following sanctions on the Respondent:
- a. Order permanent revocation of the Respondent's New Hampshire resident producer license; and
 - b. Order the Respondent to pay a fine in an amount not to exceed \$2,500 per violation.

NOTICE OF HEARING

14. An adjudicatory proceeding shall be commenced for the purpose of resolving the issues articulated above pursuant to RSA 541-A:31, RSA 400-A:17:6, *et seq.*, RSA 417:6, *et seq.*, and Ins 200. To the extent that the Department's rules do not address an issue of policy or procedures, the Department shall apply the N.H. Department of Justice Rules, Part 800.
15. The Respondent shall appear at Department on **January 20, 2021 at 10:00 AM**, at the Department's office located at 21 South Fruit Street, Suite 14, in Concord New Hampshire to participate in this adjudicatory proceeding and, if deemed appropriate, be subject to sanctions pursuant to RSA 402-J:12, I and RSA 400-A:15, III. Respondent's failure to appear at the time and place specified above may result in the hearing being held *in absentia* and sanctions may be imposed without further notice or an opportunity to be heard.
16. Michelle Heaton, Esq. is appointed to act as Hearing Officer in this matter with all the authority within the scope of RSA 400-A:19 and Ins 203.01.
17. Linda Zalinskie shall serve as clerk to the Hearing Officer. The parties should direct all communications to Ms. Zalinskie, whose contact information is:


Linda Zalinskie, Clerk
New Hampshire Insurance Department
21 South Fruit Street, Suite 14
Concord, NH 03301
Tel: (603) 271-2261
Fax: (603)271-1406
Email: linda.zalinskie@ins.nh.gov

18. The Respondent has the right to be represented by a lawyer in this proceeding. However, the Respondent shall bear the cost of retaining said lawyer. Should the Respondent elect to retain a lawyer, his lawyer shall file a Notice of Appearance with Ms. Zalinskie, and said lawyer should do so at the earliest possible date. A copy of the NHID's Notice of Appearance form is enclosed with this Order.
19. 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.
20. Joshua Hilliard, Esq. shall serve as staff advocate representing the interests of the NHID.
21. All routine procedural inquiries may be made by contacting Linda Zalinskie, Hearing Clerk, New Hampshire Insurance Department, 21 South Fruit Street, Suite 14, Concord NH 03301, (603) 271-2261, but that all other communications with the Hearing Officer and the Commissioner shall be in writing and filed as provided above. *Ex parte* communications are forbidden by statute and the Department's regulations.
22. A copy of this hearing notice shall be served upon Respondent by certified mail addressed to the mailing address on file with New Hampshire Insurance Department. *See*, RSA 400-A:14.

It is **SO ORDERED**.

NEW HAMPSHIRE INSURANCE DEPARTMENT


Date: 12-2-2020


Christopher Nicolopoulos
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 Susan M. Hare 142 Calef Hill Road, Tilton NH 03276, and share@metrocast.net, the mailing and email addresses the Respondent maintains on file with the Department.

Date: 12/2/2020



Joshua S. Hilliard, Esq.
Compliance & Enforcement Counsel

NEW HAMPSHIRE INSURANCE DEPARTMENT

ATTORNEY APPEARANCE or WITHDRAWAL

Docket No. (if known): _____

Respondent Name or Case Name: _____

APPEARANCE

WITHDRAWAL

Please **ENTER** my appearance as
Counsel for _____

Please **WITHDRAW** my appearance as
Counsel for _____

I confirm that neither I nor any member of my
law firm have been retained by the Department
of Insurance or the Commissioner of Insurance.

Notice of Withdrawal sent to my client on:
_____ at the following address:

I hereby certify that I provided a copy of this original request to the Department and a copy to all other known parties to this matter in accordance with Ins 204.09.

Signed: _____

Name: _____ **NH Bar #:** _____

Firm Name: _____ **Email:** *(see also below)* _____

Physical Address: _____

Mailing Address (if different): _____

Phone: _____

Email Consent: By checking this box, I consent to delivery by email in accordance with Ins 204.09(c). Please send communications and documents to the above email address.

Date: _____ **Signature:** _____

If you do not consent to delivery by email, all communications will be sent to you by personal delivery at your physical address or by United States Postal Service first class mail to your mailing address.