



John Elias
Commissioner

**The State of New Hampshire
Insurance Department**

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Alexander K. Feldvebel
Deputy Commissioner

**State of New Hampshire
Insurance Department**

In re Jeremy Miller

Docket No.: 18-053-AP

FINAL DECISION and ORDER

Pursuant to the provisions of Ins 204.26(a)(4), the Proposed Decision and Order issued on December 5, 2018, by Hearing Officer Russell Hilliard is hereby ACCEPTED as a FINAL DECISION and ORDER, with the following MODIFICATIONS:

1. In Section III at the top of page 2 of the Proposed Order with regard to the Department's basis for denying Mr. Miller's producer license, RSA 402-J:12, I (h) shall be included in paragraph "c" so that paragraph "c" reads as follows:

- c. Engaging in conduct that raises questions regarding honesty and reliability. See RSA 402-J:12, I(a), (b), & (h).

2. The Hearing Officer's discussion and determination about whether Mr. Miller's application was complete and whether it was reasonable for the New Hampshire Insurance Department ("the Department") to deny his producer license application based upon an incomplete application is not adopted. As such, in Section III on page 2 of the Proposed Order, the paragraph that begins with "In his application, Mr. Miller did disclose . . ." is not adopted and is replaced with the following paragraph:

In his application, Mr. Miller disclosed his ultimate disbarment order from the New Hampshire Supreme Court in 2017, but not all of the prior and related proceedings, or those reciprocal proceedings in Maine where he was also licensed to practice law. Documents that Mr. Miller did *not* provide to the Department when or after he filed his insurance producer license application on September 12, 2018 include the following:

- A. The NH Professional Conduct Committee's June 23, 2017 Recommendation to the NH Supreme Court pertaining to eight professional misconduct cases and the NH Attorney Discipline's Office Notice of Charges dated September 30, 2016 and February 24, 2017 (See Department Exhibit 10 at pp. 48-122)
- B. The NH Professional Conduct Committee's January 6, 2017 Public Censure (See Department Exhibit 11)
- C. The NH Supreme Court's August 25, 2016 Order suspending Mr. Miller's law license for one year pertaining to five professional violations; the associated NH Professional Conduct Committee's December 10, 2015 Recommendation to the NH Supreme Court; and the October 8, 2015 Stipulation of Mr. Miller and the NH Attorney Discipline's Office (See Department Exhibit 12)

- D. The NH Supreme Court's November 21, 2014 Order conditionally suspending a three month suspension of Mr. Miller's law license (See Department Exhibit 13)
- E. The NH Professional Conduct Committee's March 25, 2014 Reissued Public Censure (See Department Exhibit 14)
- F. The Maine Supreme Court's November 21, 2017 Disbarment Order, based upon NH's August 9, 2017 Disbarment and prior disciplinary history (See Department Exhibit 17)
- G. The Maine Supreme Court's March 10, 2017 Reciprocal Suspension, based upon the NH Supreme Court's August 26, 2016 Order (See Department Exhibit 18)
- H. The Public Reprimand of the Maine Board of Overseers of the Bar, dated September 8, 2016 (See Department Exhibit 19)
- I. The Maine Supreme Court's September 15, 2014 Order accepting a conditionally suspended three month stipulated suspension of Mr. Miller's law license (See Department Exhibit 20)
- J. The Public Reprimand of the Maine Board of Overseers of the Bar, dated October 8, 2013 (See Department Exhibit 21)

Within his insurance producer application Mr. Miller responded affirmatively to questions 1, 2, and 5, which sought information about any administrative actions against Mr. Miller relating to his professional licenses and any legal proceedings against Mr. Miller involving misappropriation, misrepresentation, and breach of trust.

See Department Exhibit 3.

Although Mr. Miller answered affirmatively, Mr. Miller did not provide the documents outlined in paragraphs A- J. Instead, in his

application, he provided some documents pertaining to these proceedings, including a letter in support of his application to explain the circumstances that led to the loss of his license to practice law and steps he had taken to improve himself since the spring of 2018. See Department Exhibit 7. At the end of that letter Mr. Miller stated he would be happy to address the Department's concerns or questions with regard to his producer license application. See id.

Subsequently, at his hearing on November 7, 2018, Mr. Miller testified that based on his letter in his producer license application, (Department's Exhibit 7), the Department should have contacted him and met with him before denying his license so he could have discussed his application and associated documents.

To the contrary, the Department is not required to meet with every applicant applying for a license during the application process. Given the number of license applications the Department receives, it would be impossible for the Department to do so. Moreover, by attesting to the completeness of his application, (see Department's Exhibit 3), Mr. Miller should have provided the Department with all of the information required of him so that the Department could properly review his application. Failing to do so provides the Department with a basis to deny his producer application. See RSA 402-J:12 (I)(a) (the Commissioner may refuse to issue an insurance producer's license for providing incomplete information in the license application).

3. Within Section III on page 2 of the Proposed Order the paragraph that begins with “The second ground addressed . . .” is not adopted and is replaced with the following paragraph:

The second ground addressed the failure to disclose the pendency and resolution of these proceedings involving Mr. Miller during the time he was licensed, as required by RSA 402-J:17. The Department would not be on notice of the pendency and resolution of these proceedings unless Mr. Miller provided the required notice. Whether this would cause a reasonable basis to deny Mr. Miller’s application, need not be addressed.

This is the final action of the Department. You have the right to appeal by requesting reconsideration of this final action within 30 days in accordance with RSA 541.

SO ORDERED.

02/4/19
Date



John Elias, Commissioner