

STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT

In Re: Joshua M. Schumann

Docket No.: INS No. 07-066-EP

SETTLEMENT AGREEMENT AND ORDER

Joshua M. Schuman ("Petitioner") submitted an insurance adjuster license application to the Department. Based upon the Petitioner's prior criminal convictions acknowledged in his application, the Department refused to issue the insurance adjuster license. The Petitioner requested a hearing on the Department's decision. During that hearing, the attorneys for the Department asked the Petitioner for the opportunity to speak with the counselor who had worked with him to achieve rehabilitation from prior drug and alcohol use. The Petitioner's prior dependency on drugs and alcohol was believed to have played a significant role in the conduct which resulted in the felony convictions.

STIPULATED FACTS

1. The Petitioner submitted an insurance claims adjuster license application to the Department on July 12, 2007.
2. In the application, the Petitioner stated that he had been convicted of several criminal offenses, including two felonies.
3. Based upon those felony convictions, the Department issued a letter on July 13, 2007 refusing to issue Petitioner the insurance adjuster license under RSA 402-B. Pursuant to RSA 402-B:7, the Commissioner may refuse to issue an adjuster license, if he feels that granting of the license is against the public interest. In the letter, the Petitioner was informed of his right to have a hearing under RSA 400-A:17, provided he requested such hearing within 30 days from notice of the Department's determination.
4. The Petitioner received the Department's written determination on July 19, 2007 and requested hearing in writing on August 6, 2007, within the 30-day time frame.
5. The hearing was held October 18, 2007 at the Department. The Petitioner participated by telephone and testified concerning his felony convictions. The felony convictions arose out of conduct strongly connected to Petitioner's prior dependency on drugs and alcohol. Petitioner testified about his drug and alcohol addiction and recovery process from those addictions.
6. The Petitioner further testified about his participation in the Narcotics Anonymous ("NA") since his convictions and the fact that he had attained four-plus years of being clean and sober. Through the Department's cross examination, the Petitioner offered to allow the Department's attorneys to speak with his NA sponsor to corroborate his testimony.
7. After being granted a continuance of the hearing, the Department telephonically interviewed the Petitioner's sponsor. The Department learned that Petitioner's sponsor was employed as an addiction counselor. The sponsor gave a detailed account of the 12-step process that NA participants undertake, and how the program addresses addictions to narcotics as well as to alcohol. He affirmed Petitioner's success with the recovery process and his demonstrated

commitment to maintain sobriety to ensure his professional and personal growth. The sponsor believed that Petitioner was ready to assume greater responsibilities in his work. The sponsor also confirmed that the Petitioner had attained four-plus years of remaining clean and sober.

8. With the information from Petitioner's sponsor, the Department changed its position regarding Petitioner's good character and reconsidered whether to maintain its denial of the insurance adjuster license. The Department believes that the Petitioner should be given another chance because he has demonstrated a commitment to sobriety and to changing his life in a positive direction. Accordingly, the Department agrees to afford the Petitioner the opportunity to work as an adjuster by granting his license subject to the conditions contained herein.

AGREEMENT AND ORDER

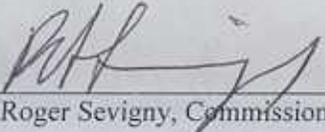
To resolve this matter, the Petitioner agrees to the following Order:

1. The Petitioner waives his right to a further hearing in this matter.
2. The Petitioner shall be issued an insurance adjuster license upon the execution of this Consent Order. The Petitioner's insurance adjuster license shall be subject to the following conditions:
 - a. The license shall be issued on a probationary status for a period of two years.
 - b. During the probationary period, the Petitioner shall violate no law whether in the state of New Hampshire or any other state or territory of the United States. Should the Petitioner be charged within the probationary period and convicted therein or thereafter, the Petitioner's license shall be subject to immediate suspension.
 - c. The Petitioner shall refrain from the use of any narcotic drugs or any other drugs inconsistent with the principles of the NA program and shall continue his abstinence from the use of alcohol throughout the probationary period.
 - d. The Petitioner shall maintain his regular participation and attendance in the NA program.
 - e. Within ten (10) business days from the date of any notice of suspension, the Department shall issue a Notice of Hearing to the Petitioner. At this hearing the Petitioner shall have the burden of demonstrating why his license should not continue to be suspended or revoked.
 - f. The probationary period shall automatically terminate two years from the date of this order if the Petitioner has not been found in violation of any law.
 - g. After successful completion of the probationary period, the Petitioner shall be subject to the same standards, review, and laws as any other person working in connection with or in the business of insurance.

3. This Consent Order and Agreement shall be fully enforceable in any Superior Court in the State of New Hampshire.

IT IS SO ORDERED.

New Hampshire Insurance Department


By: Roger Sevigny, Commissioner

Dated: 11-30-07

AGREED:

Joshua M. Schumann


(Signature)

Dated: 12-11-2007