



**THE STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

21 SOUTH FRUIT STREET SUITE 14
CONCORD, NEW HAMPSHIRE 03301

Roger A. Seigny
Commissioner

Alexander K. Feldvebel
Deputy Commissioner

December 10, 2015

VIA FIRST-CLASS & CERTIFIED MAIL: 7011 2000 0001 8842 7667

Sean P. McGonagle
10 Custer Circle
Nashua, NH 03062

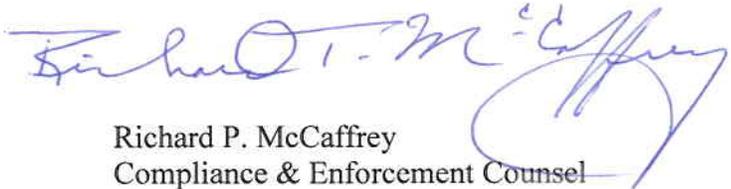
Re: Order to Show Cause & Notice of Hearing
Docket No.: INS 15-069-EP

Dear Mr. McGonagle:

Enclosed please find an Order to Show Cause and Notice of Hearing issued by Commissioner Roger A. Seigny.

A hearing in this matter has been scheduled on **January 12, 2016 at 9:00 a.m.**, at the New Hampshire Insurance Department located at 21 South Fruit Street, Suite 14, Concord, NH. You may find driving directions and additional information on our website at www.nh.gov/insurance.

Very truly yours,


Richard P. McCaffrey
Compliance & Enforcement Counsel

RPM/crp
Enclosures

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

In re: Sean P. McGonagle

Docket No.: INS No. 15-069-EP

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

The New Hampshire Insurance Department (“NHID”) orders Sean P. McGonagle (“Respondent”) to show cause why the New Hampshire Insurance Commissioner should not suspend or revoke his New Hampshire insurance producer 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:

STATEMENT OF FACTS

1. The Respondent is a New Hampshire resident insurance producer licensed to sell Life and Accident and Health insurance in New Hampshire.
2. The Respondent submitted his initial application for a New Hampshire resident insurance producer license through the National Insurance Producer Registry on or about February 3, 2015.
3. Background Question 1A of the application states: “Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor?” The Respondent answered “NO” to this question.
4. In fact, the Respondent should have answered Question 1A in the affirmative because he had been convicted of two drug-related misdemeanors, the first in 2009 and the second in 2013. Specifically, the Respondent pled guilty in New Hampshire Superior Court to a

drug-related misdemeanor on or about December 3, 2009, and he pled guilty to a drug-related misdemeanor in a Massachusetts court on or about March 1, 2013.

5. By correspondence dated March 30, 2015, the NHID contacted the Respondent in order to schedule an interview to discuss his failure to disclose his drug convictions on his application for licensure. The March 30, 2015 correspondence was mailed to the mailing address that the Respondent himself provided on his application. Among other things, this correspondence advised the Respondent that the request for an interview was being made pursuant to RSA 400-A:16, "Investigations, Enforcement," and it directed the Respondent to contact Enforcement Division paralegal Carolyn Petersen no later than April 14, 2015 for the purpose of scheduling the interview. The United States Postal Service (USPS) never returned the March 30, 2015 correspondence, indicating the USPS had delivered the letter. Nevertheless, the Respondent never contacted Ms. Petersen.

6. Following up on the March 30, 2015 correspondence, Enforcement Division examiner Donald L. Belanger was able to contact the Respondent by telephone on April 29, 2015. During this telephone discussion, the Respondent confirmed to Mr. Belanger that the mailing address on file with the NHID was accurate, but he denied having received the NHID's March 30, 2015 correspondence. Mr. Belanger advised the Respondent to contact the NHID no later than May 13, 2015 to schedule the interview. Mr. Belanger confirmed this telephone discussion the following day by an email, to which was attached the March 30, 2015 NHID letter that the Respondent had denied receiving. The email address Mr. Belanger used was the email address the Respondent included on his application for licensure. Although Mr. Belanger communicated with the Respondent by telephone and email, the Respondent again failed to contact the NHID to schedule the requested interview.

STATEMENT OF ISSUES

7. Whether the Respondent violated RSA 402-J:12, I, (a) by failing to disclose his criminal convictions on his application for licensure.

8. Whether the Respondent violated RSA 400-A:16 by failing to submit to an interview with the NHID Enforcement Division, the purpose of which was to obtain from the Respondent information concerning his failure to disclose his criminal convictions on his application for licensure.

9. Whether the Respondent's failure to disclose his criminal convictions on his application for licensure demonstrates untrustworthiness in the conduct of business in violation of RSA 402-J:12, I, (h).

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.

NEW HAMPSHIRE INSURANCE LAWS VIOLATED BY RESPONDENT

11. The NHID maintains the Respondent violated the following New Hampshire insurance law statutes: RSA 402-J:12, I (a); and RSA 402-J:12, I (h); and RSA 400-A:16.

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 the Hearing Officer determines after 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 revocation of the Respondent's New Hampshire insurance producer license; and
- c. Order the Respondent to pay a fine in the amount of \$250 per violation, for a total fine of \$750.

NOTICE OF HEARING

A. Pursuant to RSA 541-A:31 and Ins Part 200, the hearing in this matter shall commence on January 12, 2015 at 9:00 a.m. at the offices of the Department, which are located at 21 South Fruit Street, Suite 14 in Concord, New Hampshire.

B. Heather Silverstein 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

C. 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. Prescott, and said lawyer should do so at the earliest possible date. A copy of the Department's Notice of Appearance is enclosed with this Order.

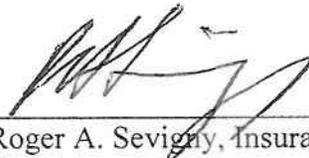
D. Any party may request a transcript of the proceeding. The party requesting a transcript of the proceedings shall file a written request for a certified court reporter with the Hearing Officer at least 10 days prior to the scheduled hearing date. The costs incurred for the services of a certified court reporter shall be borne by the requesting party.

E. Richard P. McCaffrey, Esq. and Mary C. Bleier, Esq. shall serve as staff advocates representing the interests of the NHID.

It is **SO ORDERED**.

NEW HAMPSHIRE INSURANCE DEPARTMENT

Date: 12-10-15

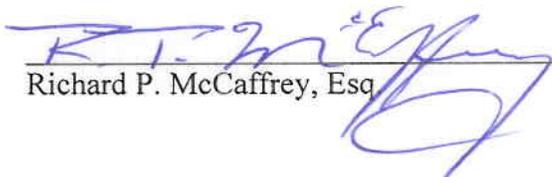


Roger A. Sevigny, Insurance Commissioner

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 Sean P. McGonagle, 10 Custer Circle, Nashua, NH 03062 this being his mailing address on file with the Department.

Date: 12/10/15



Richard P. McCaffrey, Esq.

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.*