

STATE OF NEW HAMPSHIRE  
INSURANCE DEPARTMENT

**In re: Philip A. Brouillard**

**Docket No.: INS No. 17-026-AP**

**NOTICE OF HEARING**

- A. On April 18, 2017, a request by Philip A. Brouillard for the renewal of his New Hampshire producer license was denied by the Department. See attached letter dated April 18, 2017, for reference to statutes related to the decision to deny Mr. Brouillard's request to renew his New Hampshire producer's license.
- B. On May 18, 2017, Philip A. Brouillard, filed a Request for Adjudicative Hearing in accordance with RSA 400-A:17,II(b), to appeal the denial of the producer license.
- C. Pursuant to RSA 400-A:17, IV a hearing shall be conducted on Wednesday, June 14, 2017, at 9:00 a.m. at the offices of the NHID, located at 21 South Fruit Street, Suite 14 in Concord, New Hampshire.
- D. The hearing shall be conducted in accordance with RSA 541-A:31, RSA 400-A:17 *et seq.* and Ins Part 200.
- E. Emily Doherty, Esquire shall preside as the Hearing Officer in this matter. Sarah Prescott shall serve as clerk to the Hearing Officer.
- F. The Department shall be represented by Attorney Mary Bleier, whose contact information is:

Mary Bleier  
Enforcement Counsel  
State of NH Insurance Department  
21 S. Fruit Street Suite 14  
Concord, NH 03301  
603-271-4137  
[Mary.Bleier@ins.nh.gov](mailto:Mary.Bleier@ins.nh.gov)

G. The parties should file 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) 271-3898  
Fax: (603)271-1406  
Email: [sarah.prescott@ins.nh.gov](mailto:sarah.prescott@ins.nh.gov)

H. Any party may request a transcript of the proceeding. The party requesting a transcript of the proceeding 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.

I. Mr. Brouillard has the right to be represented by a lawyer in this proceeding. However, he shall bear the cost of retaining said lawyer. Should he elect to retain counsel, said counsel shall file a Notice of Appearance with Ms. Prescott, and said lawyer should do so at the earliest possible date.

It is **SO ORDERED**.

NEW HAMPSHIRE INSURANCE DEPARTMENT

Date:

6-1-17

  
\_\_\_\_\_  
Roger A. Sevigny, Commissioner



**THE STATE OF NEW HAMPSHIRE  
INSURANCE DEPARTMENT**

21 SOUTH FRUIT STREET SUITE 14  
CONCORD, NEW HAMPSHIRE 03301

Roger A. Sevigny  
Commissioner

Alexander K. Feldvebel  
Deputy Commissioner

April 18, 2017

Philip A. Brouillard, Esq.  
Brouillard & Brouillard, PLLC  
16 Academy Street  
Laconia, NH 03246

Re: Application to Renew New Hampshire Insurance Producer License

Dear Mr. Brouillard:

Pending before the New Hampshire Insurance Department (“NHID”) is your application to renew your resident New Hampshire insurance producer license which you submitted through the National Insurance Producer Registry (“NIPR”) on February 7, 2017. I understand from my colleague Don Belanger you contacted him last week to inquire about the status of the NHID’s review of your application; for the reasons outlined below, the application is denied.

The NIPR producer licensing application contains, among others things, a series of background questions. These questions include one pertaining to administrative proceedings to which the applicant was a party:

*“Have you been named or involved as a party in an administrative proceeding, including a FINRA sanction or arbitration proceeding, regarding any professional or occupational license or registration, which has not been previously reported to this insurance department. ‘Involved’ . . . means having a license or registration application denied. . . .”<sup>1</sup>*

You answered this background question “No.”

In fact, you should have answered the background question in the affirmative. Specifically, at the time you submitted your renewal application on February 7, 2017 you knew the New Hampshire Real Estate Commission (“REC”) had conducted a hearing on November 15, 2016 regarding your application for a license to sell real estate in New Hampshire. Furthermore, you also knew that the REC issued a verbal order denying your application at the November 15, 2016 hearing. This fact is confirmed by correspondence dated December 15, 2016

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<sup>1</sup> The question is broadly stated and does not exempt from disclosure proceedings which may be under appeal.

Philip A. Broulliard  
April 18, 2017

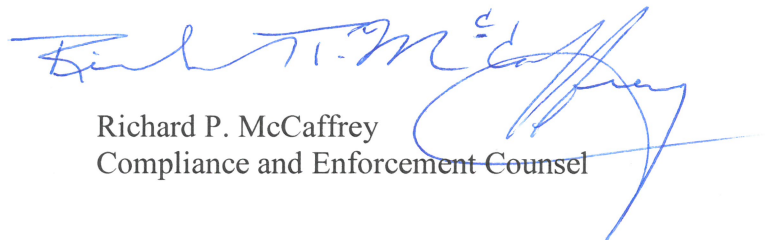
from your attorney, Thomas C. Neal, Esquire, to the Office of Professional Licensure and Certification in which Attorney Neal states: “*We appeared before the N.H. Real Estate Commission on Nov. 15, 2016 and the commission denied his application.*” Accordingly, your answer to the background question on the NIPR producer licensing application concerning administrative actions was false, and you either knew or should have known it was false when you submitted the renewal application. Further, neither your motion for reconsideration of the REC decision nor your pending appeal of that decision abrogated your responsibility to disclose the REC proceeding on the renewal application you submitted to the NHID.

Your knowing failure to disclose the REC’s denial of your application for a license to sell real estate in New Hampshire implicates at least two insurance laws. First, it violates RSA 402-J:12, I (h) because it indicates you attempted to use dishonestly to renew your insurance producer license; it also demonstrates untrustworthiness or, at best, incompetence in the conduct of business. Moreover, because you held an active New Hampshire insurance producer license at the time the REC denied your application, RSA 402-J:17 required you to report the REC’s November 15, 2016 decision within thirty days, a requirement you failed to meet.

Based on your violations of RSA 402-J:12, I (h) and RSA 402-J-17, which is enforceable through RSA 402-J:12, I (b), your application to renew your resident New Hampshire insurance producer license is denied.

***IMPORTANT NOTICE: PURSUANT TO N.H. REV. STAT. ANN. 400-A:17, YOU MAY APPEAL THIS DENIAL OF LICENSURE BY REQUESTING AN ADJUDICATIVE HEARING WITHIN THIRTY (30) DAYS OF YOUR RECEIPT OF THIS LETTER OF DENIAL. ALL REQUESTS FOR HEARING MUST BE MADE IN WRITING AND MAY BE DIRECTED TO THE UNDERSIGNED’S ATTENTION.***

Very truly yours,



Richard P. McCaffrey  
Compliance and Enforcement Counsel

cc: NHID Licensing Division