

STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT

In Re: Daniel J. Carluccio, Jr.

Docket No.: INS No. 17-050-EP

Consent Order

This Consent Order ("Consent Order") is made between the New Hampshire Insurance Department ("NHID") and Daniel J. Carluccio, Jr. (the "Respondent"), the terms of which are as follows:

1. The Respondent acknowledges that he has received proper notice of his rights to a formal administrative hearing pursuant to the RSA 541-A:31.
2. The Respondent hereby waives all rights to a formal administrative hearing in this matter and agrees that this Consent Order, contained herein, shall have the full force and effect of an Order duly entered in accordance with the adjudicatory procedures provided for in the RSA 541-A:31 or any other applicable law or administrative rule.

FINDINGS OF FACT

3. The NHID finds true and correct each of the following Findings of Fact.
 - a. The Respondent was first licensed in New Hampshire as a nonresident insurance producer on December 18, 2015. He was licensed to sell Property and Casualty insurance. His license expired on September 30, 2017
 - b. On December 18, 2015, a nonresident insurance producer application was submitted on behalf of the Respondent. Background Question #2 asked if Respondent had been involved in any administrative proceeding regarding any professional or occupational license or registration. Respondent answered "No". Respondent's answer was incorrect and materially untrue.
 - c. On November 20, 2012, the State of New Jersey, Banking and Insurance Department ("NJ BID") finalized Consent Order #E12-131 with the Respondent. The Order was a result of the Respondent submitting a Broker of Record change request on October 5, 2011, to The Hartford Agency Services without the insured's knowledge or authorization.
 - d. On October 9, 2017, Respondent submitted a reinstatement non-resident New Hampshire insurance producer license. Again, background question #2 asked if Respondent had been involved in any administrative proceeding regarding any professional or occupational license or registration. Respondent answered "No". Again, the Respondent's answer was incorrect and materially untrue. This application is currently pending.

- e. It was not until the NHID reviewed the Respondent's October 9, 2017 application that the NHID discovered the 2012 NJ BID Consent Order which was listed in the National Association of Insurance Commissioners ("NAIC") database on July 8, 2017.
- f. On October 19, 2017, NHID requested that the Respondent provide additional information regarding the NJ BID Consent Order and to explain the incorrect response provided in the 2017 application for Background Question #2.
- g. On October 23, 2017, the Respondent provided an explanation for and a copy of an unsigned NJ Consent Order dated November 5, 2012.

CONCLUSIONS OF LAW

4. In accordance with the above Findings of Fact and the applicable provision of law, the NHID concludes and finds the following Conclusions of Law:

- a. RSA 402-J:12, V provides that "The Commissioner shall retain the authority to enforce the provisions of and impose any penalty or remedy authorized by this chapter and title XXXVII against any person who is under investigation for or charged with a violation of this chapter or title XXXVIII even if such person's license or registration has been surrendered or has lapsed by operation of law."
- b. The Respondent is subject to the jurisdiction of the NHID.
- c. RSA 402-J:12, I(a) provides that "The Commissioner may place on probation, suspend, revoke, or refuse to issue or renew an insurance producer's license, or may levy a penalty in accordance with RSA 400-A:15, III or any combination of actions for the following cause:
 - (a) Providing incorrect, misleading, incomplete, or materially untrue information in the license application."
- d. The Respondent's answers in the both 2015 and 2017 applications were incorrect and materially untrue as the Respondent failed to disclose the NJ BID Consent Order issued in 2012.
- e. RSA 400-A:15, III provides that "Any person who knowingly violates any statute, rule, regulation, or order of the commissioner may, upon hearing, except where other penalty is expressly provided, be subject to such suspension or revocation of certificate of authority or license, or administrative fine not to exceed \$2,500 per violation, as may be applicable under this title for violation of the statute or the provision to which the rule, regulation, or order relates."

ORDER

5. In accordance with the Findings of Fact and Conclusions of Law, the NHID orders and the Respondent consents to the following:

- a. The Respondent acknowledges that his conduct, described above, violated RSA 402-J:12, I(a).
- b. The Respondent acknowledges that the NHID has the authority to impose a penalty pursuant to RSA 400-A:15, III and RSA 402-J:12, I(a).
- c. The Respondent waives his statutory right to an adjudicatory hearing in this matter.
- d. The Respondent agrees to pay an administrative fine in the amount of \$750.00. The check must be made payable to "Treasurer, State of New Hampshire," and should be mailed to the attention of Carolyn Petersen, New Hampshire Insurance Department, 21 South Fruit Street, Suite 14, Concord, New Hampshire 03301.
- e. The Respondent's New Hampshire nonresident producer license will be issued effective upon the latest date that all of the following are completed:
 - a. The Commissioner of NHID or his designee signs this Consent Order; and
 - b. The payment of the penalty is received by the NHID.
- f. In the event that the Respondent fails to meet any of the terms set forth in the preceding paragraphs, the NHID may institute further proceedings under the authority of RSA 402-J:12, V.
- g. By entering into this Consent Order, the NHID and the Respondent intend to resolve all issues relating to the above mentioned matters. This Consent Order shall be deemed a complete settlement and full and final resolution and is in lieu of any other action that could have been brought by the NHID relating to the matters disclosed herein. Provided however, notwithstanding the foregoing, the NHID may take any and all appropriate actions should the Respondent violate any provision of the State's insurance laws in the future.
- h. This Consent Order shall be fully enforceable in any Superior Court in the State of New Hampshire, and any action to enforce this Consent Order shall be governed by the laws of the State of New Hampshire.

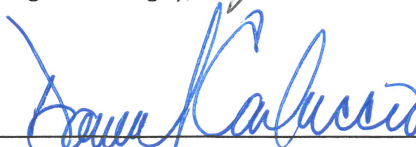
IT IS SO ORDERED

NEW HAMPSHIRE INSURANCE DEPARTMENT

Date: 1-2-18


 Roger A. Sevigny, Commissioner

Date: 12/20/17


 Daniel J. Carluccio, Jr.