

**STATE of NEW HAMPSHIRE INSURANCE DEPARTMENT**

**In re: Christine Dearden  
Docket No.: Ins 17-034-EP**

**FINAL DECISION and ORDER**

I. In accordance with a Procedural Order and Interim Order dated November 13, 2017, and November 20, 2013, respectfully, the Respondent has been given the opportunity to submit, and has submitted a request for waiver under 18 USC Section 1033(e)(2) to permit her to engage in the business of insurance despite her guilty plea to a crime involving dishonesty or breach of trust.

II. I have considered the Respondent's application for waiver, as well as the findings and recommendations in the Proposed Decision and Order issued on October 3, 2017, by Hearing Officer Heather Silverstein.

III. I find relevant the following mitigating facts and factors as determined by the hearing officer or as submitted as part of the 1033 waiver application:

- A. The Respondent did not attempt to deny the serious nature of her criminal conviction;
- B. The Respondent was found credible at hearing, and had remorse with regard to her violation;
- C. The Respondent is attempting to rehabilitate herself, is gainfully employed and her employer has submitted a letter in support of the 1033 application;
- D. The failure to report the conviction can be attributable in part, to the disruption associated with time served in the House of Corrections and efforts of the Respondent to rehabilitate her life thereafter;
- E. The Respondent testified she did not intentionally fail to report the violation or to immediately apply for a 1033 waiver;
- F. There have been no other complaints filed against the Respondent and no consumer directly harmed by her actions as a licensed producer;

G. The Department's Enforcement counsel's request for relief was amended at the end of the hearing so as to allow the Respondent to retain her license provided she obtain a waiver under 18 USC 1033(e)(2), and both Enforcement Counsel and the Hearing Officer were willing to give the Respondent a second chance.

IV. Accordingly, pursuant to the provisions of Ins 204.26(a)(4), the findings of fact and rulings of law in the Proposed Decision and Order are **ADOPTED**.

IV. In regard to any penalty or license suspension or revocation, and in regard to the question before me concerning the request for waiver under 18 USC Section 1033(e)(2), I am persuaded by the mitigating facts and factors above, that the Respondent should retain her producer license and be permitted to engage in the business of insurance.

V. Accordingly no license suspension or revocation is imposed and I hereby **GRANT** the request for waiver under 18 USC 1033(e)(2) ***SUBJECT HOWEVER***, to the following terms and conditions:

- A. The Respondent must successfully complete a two year probationary period, commencing this day, with good behavior.
- B. Good behavior requires the Respondent comply with all terms of her the probation imposed as a result of her guilty plea for unemployment compensation fraud, and also refrain from committing any violation of insurance law.
- C. The Department may conduct necessary periodic investigations or examinations during the probationary period, in order to ensure the Respondent is in compliance with all terms of her probation.
- D. Failure by the Respondent to respond promptly and completely to Department inquiries and to cooperate in any investigation or examination will result in revocation of the waiver granted under 18 USC 1033(e)(2).
- E. Failure to complete this two year probationary term with good behavior will result in the **REVOCAION** of the waiver under 18 USC 1033(e)(2).

F. If the waiver under 18 USC 1033(e)(2) is revoked, the Respondent will be prohibited by federal law, from engaging in the business of insurance and her producer license shall also be revoked.

IT IS SO ORDERED.

December 22, 2017



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Roger A. Sevigny, Commissioner

This is the final action of the Department. Pursuant to Ins 204.26(e) you have the right to appeal by requesting a rehearing of this final action *within 30 days of the date this Order is signed by the Commissioner*, in accordance with RSA 541. Your request for rehearing must specify all grounds to support rehearing by the Commissioner. The Commissioner will grant your request if in his opinion, there is good reason to reconsider his decision.