

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

In Re: Fernando Set DeGracia

Docket No.: Ins. No.18-002-EP

Consent Order

RECEIVED
NH INSURANCE DEPARTMENT
APR 17 2018

This Consent Order (“Consent Order”) is made between the New Hampshire Insurance Department (“NHID”) and Fernando Set DeGracia (“Respondent”), the terms of which are as follows:

1. The Respondent acknowledges that he was informed of his right to a formal administrative hearing pursuant to the Administrative Procedure Act, NH 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 Administrative Procedure Act, NH RSA 541-A:31, or any other applicable law.

FINDINGS OF FACT

3. The NHID finds true and correct each of the following Findings of Fact:
 - a. The Respondent is a licensed New Hampshire non-resident insurance producer. He was first licensed with the NHID on September 2, 2017 and his license is currently set to expire on September 30, 2019.
 - b. Question 1B of the New Hampshire non-resident producer application asks the applicant, in relevant part, “(h)ave you ever been convicted of a felony,” or “had a judgement withheld or deferred?” The Respondent answered “No” to this question. As the Respondent has answered “No” to all the background questions on the application, his license was automatically granted on September 2, 2017.
 - c. Later, on November 29, 2017 the Respondent submitted a series of documents to the National Insurance Producer Registry (“NIPR”) Attachment Warehouse. These documents were generated by the Bloomington Minnesota Police Department concurrent with the Respondent’s arrest for a felony marijuana charge on November 23, 2000. The Respondent did not provide a copy of the charging document or any court documents which would have demonstrated the final disposition of this charge.
 - d. On December 15, 2017 the NHID sent the Respondent an information request pursuant to NH RSA 400-A:16 II (to both the address and email of record) asking

him to provide a copy of the charging document and any official documents which demonstrated the final resolution to the criminal charge. This information was due to the NHID by January 2, 2018.

- e. The Respondent failed to respond to the NHID's information request by the January 2, 2018 deadline, nor did he request an extension for additional time to respond.

CONCLUSIONS OF LAW

4. In accordance with the above Finding of Fact and the applicable provision of law, the NHID concludes and finds the following Conclusions of Law.
 - a. NH RSA 400-A:16 II, Investigations, Enforcement, states, "(a)ny individual or entity who transacts insurance in this state or is otherwise subject to the authority of the commissioner shall, upon request of the commissioner, provide the commissioner with all documents and information relevant to any investigation under this section within 10 working days, or shall request within the 10 working-day period, for good cause shown, additional time to respond."

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 by not responding to the NHID's December 15, 2017 request for information within 10 business days as required, he violated NH RSA 400-A:16 II.
 - b. The Respondent acknowledges that the NHID has the authority to impose a penalty for this conduct under RSA 400-A:15 III.
 - 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 \$250.00. 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. In the event the Respondent fails to meet any of the terms set forth in the preceding paragraphs, the NHID may institute further administrative proceeding under the authority of RSA 400-A:15 III or any other applicable law.
 - f. 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

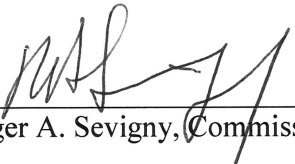
action that could have been brought by the NHID relating to the matters disclosed herein. Provided however, notwithstanding the foregoing, the NHID may take any and all appropriate actions should the Respondent violate any provision the State's insurance laws and/or administrative rules in the future.

- g. 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: 4-20-18



Roger A. Sevigny, Commissioner

Date: 04-10-2018



Fernando Set DeGracia, Respondent