

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

NH INSURANCE DEPARTMENT
2010 MAR 19 AM 11:10

In Re: Matthew J. Backe

Docket No.: Ins. No.18-008-EP

Consent Order

This Consent Order is made between the New Hampshire Insurance Department (“NHID”) and Matthew J. Backe (“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, 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 Consent Order duly entered in accordance with the adjudicatory procedures provided for in the Administrative Procedure Act, 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. Respondent is a licensed nonresident insurance adjuster. Respondent submitted an application to for licensure on May 3, 2017.
 - b. Background Question #1A on the application asks if he had “ever been convicted of a misdemeanor ...” Respondent answered this question “NO.” Respondent was convicted of a misdemeanor and should have answered this question “YES.”
 - c. Background Question 1B on the application asks if he had “ever been convicted of a felony ...” Respondent answered this Question “NO.” Respondent was convicted of a felony and should have answered this question “YES.”
 - d. Respondent submitted documents relative to the misdemeanor and felony convictions into the Attachment Warehouse on September 21, 2017.

CONCLUSIONS OF LAW

4. In accordance with the above Finding of Fact and the applicable provisions of law, the NHID concludes and finds the following Conclusions of Law.

a. RSA 402-B:7 provides that an adjuster license will be granted if, among other things, the applicant is “of good character.” Truthfully answering Background Questions on an application for licensure is an indicator of an applicant’s “good character.” Respondent answered application Background Questions 1A and 1B incorrectly since he had a misdemeanor and felony conviction. He should have answered background questions 1A and 1B “YES.” Respondent’s incorrect answers are a basis for an administration action under RSA 402-B:12.

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 incorrect answer to Background Question 1A and 1B violated RSA 402-B:7.

b. The Respondent acknowledges that the NHID has the authority to impose a penalty for this conduct under RSA 402-B:12.

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 402-B:12 or any other applicable law.

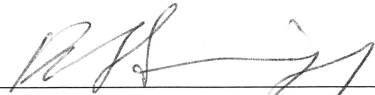
f. By entering into this Consent Order, the NHID and the Respondent intend to resolve all issues relating to the above mentioned matters. This Consent Order shall be deemed a complete settlement and full and final resolution and is in lieu of any other action that could have been brought by the NHID 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

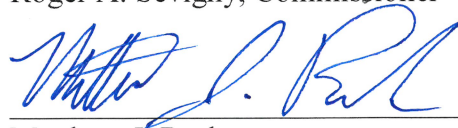
NEW HAMPSHIRE INSURANCE DEPARTMENT

Date: 3-21-15



Roger A. Sevigny, Commissioner

Date: 3/12/2018



Matthew J. Backe