

**STATE OF NEW HAMPSHIRE  
INSURANCE DEPARTMENT**

**In Re: James E. Elmo**

**Docket No.: INS No. 18-011-EP**

**Consent Order**

This Consent Order ("Consent Order") is made between the New Hampshire Insurance Department ("NHID") and James E. Elmo (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 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 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. On September 27, 2013, the State of Florida issued a Notice of Denial and Permanent Bar to the Respondent. This was finalized on October 18, 2013.
  - b. On January 16, 2018, Respondent submitted an application for a non-resident New Hampshire insurance producer license. Background question #2 asked if Respondent had ever been involved in any administrative proceeding regarding any professional or occupational license or registration. Respondent answered "No". The Respondent's answer was incorrect and materially untrue. This application is currently pending.
  - c. On January 31, 2018, NHID requested that the Respondent provide additional information regarding the incorrect response provided in the application for Background question #2.
  - d. On February 8, 2018, the Respondent provided an explanation for the incorrect response stating that it was a mistake.

**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. The Respondent is subject to the jurisdiction of the NHID.
- b. 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."
- c. The Respondent's answer in the 2018 application was incorrect and materially untrue as the Respondent failed to disclose the Florida Notice of Denial and Permanent Bar.
- d. 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 \$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. The Respondent's New Hampshire nonresident producer license will be issued effective upon the latest date that all of the following are completed:
  - i. The Commissioner of the NHID or his designee signs this Consent Order; and
  - ii. 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


Date: 4/25/18

NEW HAMPSHIRE INSURANCE DEPARTMENT

Alexander K. Felchuel, for  
Roger A. Seigny, Commissioner

Roger A. Sevigny, Commissioner

Date: 4/22/2018

  
James E. Elmo

James/E. Elmo