STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT

In Re: Michael Patrick Fish
Docket No.: Ins. No. INS 20-058-EP

ORDER TO SHOW CAUSE
AND
NOTICE OF HEARING

The New Hampshire Insurance Department ("NHID") orders Michael Patrick Fish ("Respondent") to show cause why the New Hampshire Insurance Commissioner should not suspend or revoke his New Hampshire non-resident producer license, or levy an administrative fine, or both. In support of the Order to Show Cause and pursuant to RSA 541-A:31, RSA 400-A:17 *et seq*. and Ins Chapter 200, the NHID states as follows:

STATEMENT OF FACTS

1. The Respondent is a non-resident New Hampshire producer with a mailing address listed as 178 Western Avenue Albany, NY 12203, and an email address listed as mikefish518@gmail.com.

2. On March 2, 2020, the Respondent was issued a New Hampshire non-resident producer license #18806916. His license expires on July 31, 2021. The Respondent is licensed to sell Accident and Health or Sickness insurance products.

3. On June 19, 2020, the New Hampshire Insurance Department received notice from Northwestern Mutual that the Respondent was terminated for cause after the firm discovered he intended to plead guilty to three felonies.

4. On April 17, 2020, the Respondent signed a plea agreement in the United State District Court for the Northern District of New York agreeing to plead guilty to three felony charges: Computer Intrusion Causing Damage; Aggravated Identity Theft; and Possession of Child Pornography (Docket No 1:20 – CR-117 (MAD).

5. The charging documents allege that during the period from 2016-2019, while an undergraduate and then while a law student, the Respondent routinely and illegally, accessed dozens of female students' social media accounts to obtain, and later trade, private photos and videos belonging to the students. A search of the Respondent's personal computer also revealed that he possessed multiple videos depicting child pornography.

6. The Respondent pled guilty to these charges on May 19, 2020 and a sentencing hearing is scheduled for September 23, 2020.

7. As of the date of this Order to Show Cause, the Respondent has not reported his felony convictions to the NHID.

STATEMENT OF ISSUES

8. Whether the Respondent violated NH RSA 402-J:17, II, which requires, "*Within 30 days of the initial pretrial hearing date, a producer shall report to the commissioner any criminal prosecution of the producer taken in any jurisdiction. The report shall include a copy of the initial complaint filed, the order resulting from the hearing, and any other relevant legal documents.*"

9. Whether by violating NH RSA 402-J:17, II, the Respondent has violated NH RSA 402-J:12 I, (b).

10. Whether the Respondent violated NH RSA 402-J:12, I,(f) by being convicted of a felony, specifically Computer Intrusion Causing Damage; Aggravated Identity Theft; and Possession of Child Pornography.

11. The NHID reserves the right to amend this statement of issues upon reasonable notice to the Commissioner (or his designated Representative) and the Respondent.

INSURANCE LAWS VIOLATED BY RESPONDENT

12. The NHID maintains the Respondent violated the following New Hampshire insurance law statutes: RSA 402-J:17, II; RSA 402-J:12, I,(b); and RSA 402-J:12, I, (f).

13. The NHID reserves the right to amend this list of insurance laws violated by the Respondent upon reasonable notice to the Commissioner (or his designated Representative) and the Respondent.

PENALTY REQUESTED

14. In the event that the Hearing Officer determines after an evidentiary hearing that the NHID sustained its burden of proof with respect to the allegations of fact and violations of law outlined above, the NHID requests that the Hearing Officer impose the following sanctions on the Respondent:

    a. Order permanent revocation of the Respondent's New Hampshire non-resident producer license; and

    b. Order the Respondent to pay a fine in an amount not to exceed $2,500 per violation.

NOTICE OF HEARING

15. An adjudicatory proceeding shall be commenced for the purpose of resolving the issues articulated above pursuant to RSA 541-A:31, RSA 400-A:17 *et seq.* and Ins 200. To the extent that the Department's rules do not address an issue of policy or procedures, the Department shall apply the N.H. Department of Justice Rules, Part 800.

16. The Respondent shall appear at Department on **July 28, 2020 at 10:00 am**, at the Department's office located at 21 South Fruit Street, Suite 14, in Concord New Hampshire to participate in this adjudicatory proceeding and, if deemed appropriate, be subject to sanctions pursuant to RSA 402-J:12, I and RSA 400-A:15, III. Respondent's failure to appear at the time and place specified above may result in the hearing being held *in absentia* and sanctions may be imposed without further notice or an opportunity to be heard.

17. Emily Doherty Esq. is appointed to act as Hearing Officer in this matter with all the authority within the scope of RSA 400-A:19 and Ins 203.01.

18. Linda Zalinskie shall serve as clerk to the Hearing Officer. The parties should direct all communications to Ms. Zalinskie, whose contact information is:

    Linda Zalinskie, Clerk
    New Hampshire Insurance Department
    21 South Fruit Street, Suite 14
    Concord, NH 03301
    Tel: (603) 271-2261
    Fax: (603)271-1406
    Email: linda.zalinskie@ins.nh.gov

19. The Respondent has the right to be represented by a lawyer in this proceeding. However, the Respondent shall bear the cost of retaining said lawyer. Should the Respondent elect to retain a lawyer, his lawyer shall file a Notice of Appearance with Ms. Zalinskie, and said lawyer should do so at the earliest possible date. A copy of the NHID's Notice of Appearance form is enclosed with this Order.

20. Any party may request a transcript of the proceeding. The party requesting a transcript of the proceedings shall file a written request for a certified court reporter with the Hearing Officer at least 10 days prior to the scheduled hearing date. The costs incurred for the services of a certified court reporter shall be borne by the requesting party.

21. Mary C. Bleier, Esq. and/or Joshua Hilliard shall serve as staff advocates representing the interests of the NHID.

22. All routine procedural inquiries may be made by contacting Linda Zalinskie, Hearing Clerk, New Hampshire Insurance Department, 21 South Fruit Street, Suite 14, Concord NH 03301, (603) 271-2261, but that all other communications with the Hearing Officer and the Commissioner shall be in writing and filed as provided above. *Ex parte* communications are forbidden by statute and the Department's regulations.

23. A copy of this hearing notice shall be served upon Respondent by certified mail addressed to the mailing address on file with New Hampshire Insurance Department. *See*, RSA 400-A:14.

It is **SO ORDERED.**

NEW HAMPSHIRE INSURANCE DEPARTMENT

Date: 7/1/2020

Christopher Nicolopoulos,
Insurance Commissioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Order to Show Cause and Notice of Hearing was sent this date by first-class mail, postage prepaid, and by certified mail, return receipt requested, to Michael P. Fish at 178 Western Avenue Albany, NY 12203 and mikefish518@gmail.com, the mailing and email addresses the Respondent maintains on file with the Department.

Date: 7/1/2020

Mary C. Bleier, Esq.
Compliance & Enforcement Counsel

NEW HAMPSHIRE INSURANCE DEPARTMENT

ATTORNEY APPEARANCE or WITHDRAWAL

Docket No. (if known): _____

Respondent Name or Case Name: _____

☐ **APPEARANCE**

Please **ENTER** my appearance as
Counsel for _____

☐ I confirm that neither I nor any member of my law firm have been retained by the Department of Insurance or the Commissioner of Insurance.

☐ **WITHDRAWAL**

Please **WITHDRAW** my appearance as
Counsel for _____

☐ Notice of Withdrawal sent to my client on:
_____ at the following address:

_____

_____

_____

I hereby certify that I provided a copy of this original request to the Department and a copy to all other known parties to this matter in accordance with Ins 204.09.

Signed: _____

Name: _____ **NH Bar #:** _____

Firm Name: _____ **Email:** *(see also below)*_____

Physical Address: _____

Mailing Address *(if different)*: _____

Phone: _____

Email Consent: ☐ By checking this box, I consent to delivery by email in accordance with Ins 204.09(c). Please send communications and documents to the above email address.

Date: _____ ***Signature:*** _____

If you do not consent to delivery by email, all communications will be sent to you by personal delivery at your physical address or by United States Postal Service first class mail to your mailing address.