

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

**In Re: Richard A. Bean Jr.
Docket No.: Ins. No.20-070-EP**

**ORDER TO SHOW CAUSE
AND
NOTICE OF HEARING**

The New Hampshire Insurance Department (“NHID”) orders Richard A. Bean Jr. (“Respondent”) to show cause why the New Hampshire Insurance Commissioner should not suspend or revoke his New Hampshire 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 resident New Hampshire producer with a mailing address listed as 3 Executive Park Drive, Suite 267, Bedford, NH 03310, and an email address listed as rbean04@comcast.net, and a business phone number of 603-472-4800.
2. Since at least June of 2001, Respondent has been a licensed New Hampshire insurance producer.
3. On or about August 20, 2007, Respondent pled guilty in the Salem District Court to one count of disorderly conduct, a misdemeanor.
4. On or about February 11, 2010, Respondent was admitted to sufficient facts in Newburyport District Court to operating under the influence of alcohol, a misdemeanor.
5. On November 15, 2010, Respondent completed a renewal application for his NH insurance producer license and answered “No” to question 1 inquiring about prior convictions, deferred judgments, or active charges which had not previously been reported to NHID.
6. On or about July 24, 2012, Respondent was convicted in Goffstown District Court of driving after revocation/suspension, a misdemeanor.

7. On November 17, 2012, Respondent completed a renewal application for his NH insurance producer license and answered "No" to question 1 inquiring about prior convictions which had not previously been reported to NHID.
8. On or about March 7, 2013, Respondent was served notice of a lien from NH Department of Health and Human Services for unpaid child support in the amount of \$70,679.38.
9. On November 6, 2014, Respondent completed a renewal application for his NH insurance producer license and answered "No" to question 3 inquiring about any child support obligation in arrearage.
10. On December 10, 2018, Respondent completed a renewal application for his NH insurance producer license and answered "No" to question 1a inquiring if he had "ever been convicted of a misdemeanor."
11. On or about March 26, 2019, Respondent was charged in Merrimack District Court with a driving under the influence, a misdemeanor.
12. On or about July 11, 2019, Respondent was arraigned in Salem District Court for charges of disorderly conduct, driving after revocation/suspension, and disobeying a police officer, respectively a violation level offense and two misdemeanors.
13. As of the date of this Order to Show Cause, the Respondent has not reported the aforementioned convictions, criminal actions, and child support arrearage to the NHID.
14. On September 3, 2020, the NHID requested, via email, that Respondent meet with NHID to discuss his prior convictions as well as consumer complaints reported to the NHID. Respondent failed to respond to that request.
15. On or about September 8, 2020, as Respondent's voicemail message box was full, the NHID left a message via telephone with Respondent's staff that Respondent needed to communicate with NHID to discuss the allegations raised above. Respondent failed to respond to that request.

STATEMENT OF ISSUES

16. 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."

17. Whether by violating NH RSA 402-J:17, II Respondent violated NH RSA 402-J:12, I, (b).
18. Whether the Respondent violated RSA 402-J:12, I(a) by failing to report criminal convictions and child support arrearage in his license applications.
19. Whether the Respondent violated RSA 402-J:12, I (m) by failing to comply with an administrative order imposing a child support obligation.
20. Whether by failing to respond to the NHID's request for information, the Respondent violated RSA 400-A:16, II.
21. 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

22. The NHID maintains the Respondent violated the following New Hampshire insurance law statutes: RSA 400-A:16, II; RSA 402-J:17, II; RSA 402-J:12, I,(a); RSA 402-J:12, I,(b) and RSA 402-J:12, I, (m).
23. 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

24. 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 suspension or permanent revocation of the Respondent's New Hampshire 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

25. An adjudicatory proceeding shall be commenced for the purpose of resolving the issues articulated above pursuant to RSA 541-A:31, RSA 400-A:17:6, *et seq.*, RSA 417:6, *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.
26. The Respondent shall appear at Department on **November 3, 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.
27. Michelle Heaton, 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.
28. 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
29. 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.
30. 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.

31. Joshua Hilliard, Esq. and/or Mary C. Bleier, Esq. shall serve as staff advocates representing the interests of the NHID.
32. 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.
33. 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: 9/23/2020



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 Richard A. Bean Jr., 3 Executive Park Dr. Suite 267, Bedford, NH 03110 and rbean04@comcast.net, the mailing and email addresses the Respondent maintains on file with the Department.

Date: 1/23/2020



Joshua S. Hilliard, Esq.
Compliance & Enforcement Counsel