

**STATE OF MAINE
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BUREAU OF INSURANCE**

IN RE:

**JASON E. MERRITT
National Producer # 4633562**

Docket No. INS 04-504

**DECISION AND ORDER
REVOKING
INSURANCE ADJUSTER
LICENSE**

INTRODUCTION

1) This matter is before the Superintendent of Insurance, after notice and opportunity for hearing, pursuant to a Petition to REVOKE the resident insurance producer license of Jason E. Merritt, dated August 12, 2004, and filed by the Staff of the Maine Bureau of Insurance.

2) The Maine Insurance Code regulates persons who offer or sell insurance products in the State of Maine. The Superintendent of Insurance has jurisdiction over this matter pursuant to the Insurance Code generally, Title 24-A Maine Revised Statutes Annotated, and in particular, 24-A M.R.S.A. §§211, 220, 1417, 1420-K and 2178.

FINDINGS OF FACT

3) Jason E. Merritt is licensed in Maine as a resident insurance producer. His license number in Bureau records is PRR 78404. His National Producer Registry Number is 4633562.

4) Mr. Merritt's address of record in the Bureau of Insurance licensing system is:

119 Somerville Road
Linneus, ME 04730

5) On May 14, 2004, the Bureau received notification and documentation from an insurer concerning that insurer's termination of Mr. Merritt's appointment, for cause. The documentation indicated that Mr. Merritt had fraudulently made out and filed an application for life insurance on a person, knowing that the person, a relative of Mr. Merritt's, had passed away due to an accident earlier that day.

6) On June 15, 2004, a Bureau Attorney wrote to Mr. Merritt at his address of record, requesting his statement with regard to this matter, to be identified herein as the "Jay Application."

7) The June 15 letter specified that, in accordance with 24-A M.R.S.A. §220, Mr. Merritt was required to provide a substantive response or to provide the reason for any inability to respond, by no later than Monday, July 19, 2004.

8) Mr. Merritt has not provided any response.

9) The Bureau provided notice by U.S. Mail to Mr. Merritt of the Petition to revoke, and provided opportunity for hearing, by regular mail directed to the above address or record on August 12, 2004 in accordance with the requirements of 24-A M.R.S.A. §213.

10) Mr. Merritt has not requested a hearing on this matter, and the time period allotted for the filing of any such request has expired.

GROUND FOR LICENSE REVOCATION and FINDINGS

11) The Superintendent may, after notice and opportunity for hearing, revoke a producer's license under 24-A M.R.S.A. §1420-K(1)(E), based upon "intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance."

12) The Superintendent may also take such action under §1420-K(1)(H) for "using fraudulent, coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this State or elsewhere."

13) The Superintendent may also take such action under §1420-K(1)(J) for "forging another's name to an application for insurance or to any document related to an insurance transaction."

14) Further, the Superintendent may take such action under §1420-K(1)(B) for violating any insurance laws. The Maine Insurance Code, at 24-A M.R.S.A. §2178, provides that no licensee or other person "may knowingly or wilfully make any false or fraudulent statement or representation in or with reference to any application for insurance...."

15) In addition, the Maine Insurance Code, at 24-A M.R.S.A. §220(2), provides that: "All insurers and other persons required to be licensed pursuant to this Title shall respond to all lawful inquiries of the superintendent that relate to resolution of consumer complaints involving the licensee within 14 days of receipt of the inquiry and to all other lawful inquiries of the superintendent within 30 days of receipt. If a substantive response can not in good faith be provided within the time period, the person required to respond shall so advise the superintendent and provide the reason for the inability to respond."

16) The Superintendent therefore FINDS that, due to his fraudulent filing of the Jay application as referenced in Paragraph 5 above, Jason E. Merritt intentionally misrepresented the terms of an application for insurance in violation of 24-A M.R.S.A. §1420-K(1)(E); used fraudulent or dishonest practices or demonstrated incompetence or untrustworthiness in violation of 1420-K(1)(H); forged a name to an application for insurance in violation of 1420-K(1)(J); and made a false or fraudulent statement or representation in or with reference to an application for insurance in violation of §2178.

17) The Superintendent further FINDS that Mr. Merritt did not respond to the inquiry letter dated June 15, 2004, in violation of §220(2), which constitutes statutory grounds for revoking Mr. Merritt's producer license under §1420-K(1)(B).

ORDER REVOKING LICENSE of JASON E. MERRITT

The resident insurance producer license of Jason E. Merritt # PRR 78404, National Producer # 4633562, is hereby **REVOKED** in accordance with the above findings, pursuant to 24-A M.R.S.A. §1417 and 24-A M.R.S.A. §1420-K.

The effective date of this Order is September 22, 2004.

NOTICE OF APPEAL RIGHTS

This Decision and Order is a final agency action of the Superintendent of Insurance within the meaning of the Maine Administrative Procedures Act. It is appealable to the Superior Court in the manner provided in 24-A M.R.S.A. §236, 5 M.R.S.A. §11001, *et seq.*, and M.R.Civ.P. 80C. Any party to the proceeding may initiate an appeal within thirty (30) days after receiving this notice, which has been given in accordance with the requirements of 24-A M.R.S.A. §213. Any aggrieved non-party whose interests are substantially and directly affected by the Decision and Order may initiate an appeal within forty (40) days of the issuance of this Decision and Order. There is no automatic stay pending appeal; application for stay may be made in the manner provided in 5 M.R.S.A. §11004.

ALESSANDRO A. IUPPA
Superintendent, Maine Bureau of
Insurance