

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

***In re:***

**Dana C. Hutchison**

**National Producer No. 1431027**

**Maine Producer No. PRN99398**

**Docket No. INS-16-222**

**LICENSE DENIAL  
NOTICE, ORDER,  
and  
OPPORTUNITY FOR  
HEARING**

***NOTICE TO DANA C. HUTCHISON:***

Effective as of **January 3, 2017** the Maine Superintendent of Insurance denies your October 24, 2016, and November 1, 2016, applications for licensure in Maine as a nonresident insurance producer. The reasons for denial are set forth below:

1. You were first licensed in Maine as a nonresident insurance producer with property and casualty authority on October 24, 2003. On January 9, 2006, your Maine license was terminated pursuant to 24-A M.R.S. § 1420-G(1)(A) because you no longer held a valid home state license.
2. In September 2015, you reapplied for a nonresident producer license with health authority. You answered no to all of the background questions on the application including “[h]ave you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor?” and “[h]ave you ever been named or involved as a party in an administrative proceeding, including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration?” The application included the statement “I hereby certify that, under penalty of perjury, all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties.”
3. As a part of the review of your application, Bureau staff conducted a search of the National Association of Insurance Commissioners Regulatory Information Retrieval System which showed a February 2, 2012, license denial issued by the state of Missouri. The denial was a result of your failure to disclose that your Missouri insurance producer license had been revoked in 2004 for tax non-compliance. In addition, a search of the National Insurance Producer Registry yielded documentation showing a 2005 possession of paraphernalia conviction in the State of Arizona (Case Number M-0741-3328729). These events were not disclosed on your application.
4. Upon inquiry from the Bureau, you asserted that the Missouri revocation was in error and that you did not answer “yes” to the criminal disclosure question because it was “already a matter of record” and because some states allegedly do not require

this disclosure "it's easy to get mixed up." The Bureau issued you a nonresident producer license on September 22, 2015.

5. On or around March 8, 2016, the Bureau became aware of an administrative action in the state of Louisiana issued on November 6, 2015, that was not timely disclosed to the Bureau. We sent a \$25 late disclosure penalty letter to the mailing address you provided to the Bureau; it came back as undeliverable. We resent the penalty letter along with a \$25 address penalty letter to your stated home address, as licensees are required to notify the Superintendent of address changes within 30 days pursuant to 24-A M.R.S. § 1420-F(6). This also came back as undeliverable. As a result, we sent a termination order to your last known address on May 3, 2016, and your license was terminated on June 13, 2016 pursuant to 24-A M.R.S. § 1420-K(1)(B) for violating § 220. The \$50 penalty is still outstanding.
6. On January 29, 2016, the State of Indiana denied your insurance producer license application for having an insurance producer license denied and for providing incorrect, misleading, incomplete, or materially untrue information on a license application as you did not disclose the previous Missouri action.
7. On May 23, 2016, the State of Oregon denied your insurance producer license for providing incorrect, misleading, incomplete, or materially untrue information on a license application due to your failure to disclose the previous Missouri action.
8. The Indiana and Oregon denials occurred prior to the termination of your license on June 13, 2016, and therefore should have been reported to the Bureau pursuant to 24-A M.R.S. §1420-P(1).
9. On October 24, 2016, you submitted a new application for a nonresident producer license. While this application disclosed your previous criminal conviction, you answered question "[h]ave you ever been named or involved as a party in an administrative proceeding, including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration?" in the negative. The application included the statement "I hereby certify that, under penalty of perjury, all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties."
10. On October 26, 2016, the Bureau contacted you regarding your failure to disclose any of your previous administrative actions. Your response stated that "this is a non issue because all this has been resolved. This FINRA violation originated with the State of Missouri, they claimed I owed taxes and I didn't so Missouri issued me a Producer license and I have not had a problem with 31 other states." Your response included a clearance letter from the Missouri Department of Revenue stating that as of October 26, 2015, you were in compliance with your tax obligations to the department. Your response, however, did not include the requested copies of the various actions, an explanation the circumstances of the incidents, or an explanation of why they were not disclosed on the application as required.

11. On October 27, 2016, the Bureau advised you that your response was not sufficient, as you had failed to disclose the administrative actions identified in paragraphs 3, 5, 6, and 7, and that your application would not be reviewed until the requested information had been provided.
12. On November 1, 2016, a second application was submitted through the National Insurance Producer Registry that, like the October 24, 2016, application failed to disclose any administrative actions.
13. On November 18, 2016, the Bureau sent a follow-up request for the information previously requested on October 26, 2016. To date the Bureau has not received a substantive response.

Therefore, based upon the above grounds, your application for a Maine insurance producer license is **denied** as of **January 3, 2017**, pursuant to 24-A M.R.S. §§ 1417 and 1420-K.

**Under the Maine Insurance Code, specifically 24-A M.R.S. § 1417 and § 1420-K, you have the right to a hearing before the Superintendent or his designee to appeal this denial. If you request a hearing, you will have the right to present evidence and arguments in your defense and you will bear the burden of proof to show that the Superintendent's denial was not reasonable.**

**If you request a hearing, you will receive further communication regarding scheduling. The matters to be determined through the hearing process are the establishment of the above grounds, and the appropriate sanctions, which can include any available remedy under applicable laws, including the imposition of civil penalties.**

**To request a hearing, you must notify the Bureau of Insurance in writing no later than February 7, 2017. If you do not file a written request for a hearing within 30 days from the time you know or reasonably should have known of this act through this Notice and Order, you will lose your right to request a hearing on this matter. Pursuant to 24-A M.R.S. § 213(3), this Notice from the Superintendent to you shall be deemed to have been given when deposited in a mail depository of the United States Post Office.**

Any request for a hearing, as well as all other communications regarding this Notice, Order, and Opportunity for Hearing must be addressed to Bureau Licensing Attorney Lindsay J. Laxon, Bureau of Insurance, #34 State House Station, Augusta, Maine 04333-0034 (for US Postal Service deliveries) or 76 Northern Avenue, Gardiner, Maine 04345 (for private carrier deliveries, such as FedEx or UPS). You may also reach Ms. Laxon by e-mail at [Lindsay.J.Laxon@maine.gov](mailto:Lindsay.J.Laxon@maine.gov) or by telephone at (207) 624-8429.

January 3, 2017

  
Eric A. Cioppa  
Superintendent of Insurance