

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

In re:

Brian Wilson James

National Producer No. 11098248

Docket No. INS-15-211

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

NOTICE TO BRIAN WILSON JAMES:

Effective as of **June 19, 2015**, the Maine Superintendent of Insurance denies your April 15, 2015, application for licensure in Maine as a nonresident insurance producer. The reasons for denial are set forth below:

1. On April 7, 1997, you were convicted of misdemeanor grand theft embezzlement in the State of California.
2. On August 20, 2012, the State of California revoked your unrestricted producer license, imposed a \$250 penalty, and issued you a restricted license because you failed to report a March 30, 2011, misdemeanor conviction of driving with a suspended license and did not respond to the Insurance Department's request for information. Your failure to respond to the Insurance Department's inquiry constitutes grounds for denial of your application for Maine licensing under 24-A M.R.S. § 1420-K(1)(B), for violating any insurance laws, or violating any rule, regulation, subpoena or order of the superintendent or of another state's insurance commissioner.
3. On June 25, 2013, the State of Wisconsin denied your application for licensure because you failed to disclose the administrative action taken against you in California on the application. Your failure to disclose the Wisconsin administrative action constitutes grounds for denial of your application for Maine licensing under 24-A M.R.S. § 1420-K(1)(B), for violating any insurance laws, or violating any rule, regulation, subpoena or order of the superintendent or of another state's insurance commissioner; and under § 1420-K(1)(I), for having an insurance producer license, or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory.
4. On February 18, 2014, the State of Missouri revoked your producer license following a Complaint by the Insurance Director that you (i) provided materially incorrect information on an application by failing to disclose a criminal conviction and the fact that you had been a party to an administrative action in

California; (ii) failed to report administrative actions taken against you to the Director; (iii) violated Wisconsin's insurance laws; (iv) obtained a license through material misrepresentation or fraud by failing to disclose a criminal conviction and administrative actions against you; (v) had been convicted of a crime of moral turpitude, grand theft embezzlement; and (vi) you had licenses denied in California and Wisconsin. The Missouri revocation constitutes grounds for denial of your application for Maine licensing under § 1420-K(1)(I), for having an insurance producer license, or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory.

5. On November 7, 2014, the State of Maine denied your application for a non-resident insurance producer license for your failure to report the Wisconsin action or your criminal history, and based on other states' actions.
6. You reapplied for a Maine non-resident insurance producer license on April 15, 2015. You answered, "No," to background questions, "Have you ever been convicted of a misdemeanor...?" and "Have you ever been named or involved as a party in an administrative proceeding...regarding any professional or occupational license...?" Your failure to disclose your criminal history and the four administrative actions taken against you constitutes grounds for denial of your Maine license under 24-A M.R.S. § 1420-K(1)(A), for providing incorrect, misleading, incomplete or materially untrue information on your license application.

Therefore, based upon the above grounds, your application for a Maine insurance producer license is **denied** as of **June 19, 2015**, pursuant to 24-A M.R.S. §§1417 and 1420-K, subject to your right to request a hearing.

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. 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 June 19, 2015. 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 impending act through this Notice and Order, you will lose your right to request a hearing on this matter, and your license denial will be final, in accordance with this Notice and Order. 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 Kristina M. Balbo, 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 Attorney Balbo by e-mail at kristina.m.balbo@maine.gov or by telephone at (207) 624-8429.

May 11, 2015



Eric A. Cioppa
Superintendent of Insurance