

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

In re:

RODNEY MISIAK
Maine License No. PRN197613
National Producer No. 7896857

Docket No. INS-14-227

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

NOTICE TO RODNEY MISIAK:

Effective as of **August 22, 2014**, your Maine nonresident insurance producer license will be **REVOKED** without further formal proceedings unless you request a hearing as specified below.

The reasons for license revocation are as follows:

1. The State of Illinois revoked your resident license on October 9, 2013, and imposed a penalty of \$10,000, for your (i) having been convicted of four counts of domestic battery; and (ii) having submitted ten applications to Golden Rule Insurance Company that contained non-genuine e-signatures, seven applications that omitted or incorrectly reported health history, and three applications without the authorization of the insured. The Illinois revocation and penalty constitutes grounds for revocation of your Maine license under 24-A M.R.S. § 1420-K(1)(B), for violating insurance laws, and § 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.
2. You failed to report the Illinois revocation and penalty described in Paragraph 1 to the Maine Superintendent of Insurance as required by 24-A M.R.S. § 1420-P(1), which also constitutes grounds for revocation of your Maine license under 24-A M.R.S. § 1420-K(1)(B), for violating insurance laws.
3. Your actions while at the Golden Rule Insurance Company as described in Paragraph 1 also constitute grounds for revocation of your Maine license under 24-A M.R.S. § 1420-K(1)(H), for “fraudulent, coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this State or elsewhere.”
4. On November 28, 2011, your application for a Maine non-resident producer license was received by the Bureau of Insurance Staff. You answered “No” to the following background question on the electronic application form which you filed: “Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?”

5. The application included your "Certification and Attestation" with 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.

6. You failed to disclose the existence of your 2005 conviction for domestic battery in the State of Illinois, which also constitutes grounds for revocation 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.
7. On May 16, 2012, you pled guilty to felony Domestic Battery, Subsequent Offense, in the State of Illinois, and were given two years' probation.
8. You failed to report either your criminal prosecution or the resulting 2012 conviction to the Maine Superintendent of Insurance as required by 24-A M.R.S. § 1420-P(2), which also constitutes grounds for revocation of your Maine license under 24-A M.R.S. § 1420-K(1)(B), for violating insurance laws.
9. As stated in Paragraph 1, your resident producer license in the state of Illinois was revoked on October 9, 2013. Under 24-A M.R.S. § 1420-G(1)(A), one of the qualifications in order for a person to be issued a nonresident producer license in Maine is that "[t]he person is currently licensed as a resident and in good standing in that person's home state." Therefore, you also do not meet the minimum qualifications for nonresident licensing in Maine as your home state license in the state of Illinois has been revoked.

Therefore, based upon the above grounds, your Maine insurance producer license is **revoked** as of **August 22_, 2014**, 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 the staff of the Bureau of Insurance will bear the burden of proving each violation by a preponderance of evidence.

If you request a hearing, you will receive further communication regarding scheduling. The matters to be determined through the hearing process are whether you committed one or more of the violations listed above, and if so, the appropriate sanctions for those violations. The sanctions imposed after a hearing can include any available remedy under applicable laws, including the payment of civil penalties.

To request a hearing, you must notify the Bureau of Insurance in writing no later than August 22_, 2014. If you do not file a written request for a hearing within 30 days from the time you knew or reasonably should have known of the revocation of your license through this Notice and Order, you will lose your right to request a hearing on this license revocation Notice and Order.

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.

July 17, 2014



Eric A. Cioppa
Superintendent of Insurance