

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

In re:

Fardosa Nuur

National Producer No. 17310430

Docket No. INS-14-234

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

NOTICE TO FARDOSA NUUR:

Effective as of **September 19, 2014**, the Maine Superintendent of Insurance denies your June, 2014, application for licensure in Maine as a nonresident insurance producer. The reasons for denial are set forth below:

1. On May 7, 2013, you were convicted of the misdemeanor crime of Theft in the Third Degree in the State of Washington. You were sentenced to 364 days in jail, all but 1 suspended; fined \$5,000, all but \$1,000 suspended; and you were released from probation on or about May 7, 2014. As a misdemeanor involving dishonesty, the conviction was of a nature, and within the time period, that is relevant to the Bureau's licensing decision, in accordance with 24-A M.R.S. § 1420-K(1)(F) and 5 M.R.S. §§ 5301(2)(B); 5303.
2. On November 13, 2007, you were convicted of the misdemeanor crime of Theft in the Third Degree in the State of Washington. The Superintendent may consider this theft conviction in making his licensure decision because (i) it was a misdemeanor that involved dishonesty; and (ii) you had a subsequent theft conviction on May 7, 2013. 24-A M.R.S. § 1420-K(1)(F); 5 M.R.S. §§ 5301(2)(B), 5303 (general three year limitation on considering prior criminal convictions does not apply where applicant has an additional conviction).
3. A licensed producer must demonstrate honesty and trustworthiness in her dealings with the public. *See* 24-A M.R.S. §§ 1420-E, 1420-K. In light of your history of theft convictions, and the recent nature of your final discharge from the Washington correctional system relating to your May 7, 2013, conviction, the Superintendent has determined that you have not been sufficiently rehabilitated to warrant the public trust. *Id.* at § 5302. Your two theft convictions therefore constitute grounds for denial of your application for Maine licensing under 24-A M.R.S. § 1420-K(1)(F) and 5 M.R.S. §§ 5301-5304.
4. On June 28, 2010, you were charged with misdemeanor Theft. Your judgment was deferred subject to, *inter alia*, your completion of 16 hours of community

service. The theft charge was dismissed with prejudice on July 20, 2010, at which time you had met the conditions of the dispositional continuance.

5. You were required to disclose this deferred judgment in response to the background question on your application, "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?" You failed to disclose this deferred judgment, which constitutes further grounds for denial of your application for Maine licensing under 24-A M.R.S. § 1420-K(1)(A), for providing incorrect, misleading, incomplete, or materially untrue information on the license application.

Therefore, based upon the above grounds, your application for a Maine insurance producer license is **denied** as of **September 19, 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 you will bear the burden of proof to show that the Superintendent's denial was not reasonable. Pursuant to 5 M.R.S. § 5302, you will also have the burden of proof to demonstrate that there exists sufficient rehabilitation to warrant the public trust.

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 September 19, 2014. 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.

August 14, 2014



Eric A. Cioppa
Superintendent of Insurance