

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

IN RE:

ZACHARY A. GAGNON

Docket No. INS-02-783

**DECISION AND ORDER
REVOKING
INSURANCE PRODUCER
LICENSE**

INTRODUCTION

1) This matter is before the Superintendent of Insurance, after notice and opportunity for hearing, pursuant to a Petition to REVOKE the nonresident insurance producer license of Zachary A. Gagnon, dated August 13, 2002, and filed by the Staff of the Maine Bureau of Insurance.

2) The Maine Insurance Code (the "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, and 1420-K.

FINDINGS OF FACT

3) Zachary A. Gagnon is licensed in Maine as an insurance sales person ("producer"). His current license authority is for Life and Health insurance. His license number in Bureau records is PRR 63603.

4) Mr. Gagnon's last known address, as reflected in Bureau records, is:
Zachary A. Gagnon
Rte 5 PO Box 1610
Augusta, ME 04330

5) In April of 2002, Mr. Gagnon pleaded guilty to and was convicted of the following criminal offenses in Maine Superior Court, Kennebec County, under Docket Number CR - 01 - 232:

Count 1 - Class B - Burglary
17-A M.R.S.A. § 401
Count 2 - Class E - Theft
17-A M.R.S.A. §353

6) The Judgment and Commitment order of the Court explains that Mr. Gagnon's 5-year burglary and theft sentence is to be served concurrently with the federal sentence that he is currently serving.

7) The Bureau provided notice to Mr. Gagnon of the Petition to revoke, and opportunity for hearing, by certified mail, return receipt. The Bureau received the return receipt for this documentation, evidencing delivery on August 26, 2002 to the above referenced address.

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

CONCLUSIONS OF LAW

CRIMINAL CONVICTION AS STATUTORY BASIS FOR REVOCATION

9) Under 24-A M.R.S.A. §1417 and §1420-K(1)(F), the superintendent may, after notice and opportunity for hearing, revoke a producer's license based upon a conviction in court of any offense under Title 5 M.R.S.A. §5301, which includes among the convictions for which such actions are authorized, "Convictions for which incarceration for one year or more may be imposed."

10) Mr. Gagnon's Class B conviction in 2002 for burglary referenced above constitutes a conviction for which incarceration for one year or more may be imposed, and the conviction occurred within the time limits established under 5 M.R.S.A. §5303.

11) Mr. Gagnon's Class E conviction in 2002 for theft referenced above constitutes a conviction for which incarceration of less than one year may be imposed and which involved dishonesty or false statement, and the conviction occurred within the time limits established under 5 M.R.S.A. §5303.

12) As noted above, Mr. Gagnon is also serving a corresponding Federal sentence.

13) Mr. Gagnon's convictions establish statutory grounds for revoking his producer license under 24-A M.R.S.A. §1417 and §1420-K(1)(F).

ORDER REVOKING LICENSE of Zachary A. Gagnon

The Superintendent of Insurance, after notice and opportunity for hearing, hereby finds that Zachary A. Gagnon has been convicted of criminal offenses which constitute statutory grounds for revoking his producer license under the Maine Insurance Code as specifically stated in the above Findings of Fact and Conclusions of Law.

Therefore, the insurance producer license of **Zachary A. Gagnon**, # PRR 63603, is hereby **REVOKED** 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 25, 2002.

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. 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