

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

IN RE:

**JOHN PATRICK RICHWALDER
National Producer # 6786769**

Docket No. INS 05-500

**DECISION AND ORDER
REVOKING
INSURANCE ADJUSTER
LICENSE**

INTRODUCTION

1) This matter is before the Superintendent of Insurance, after notice and opportunity for hearing, pursuant to a Petition to REVOKE the resident insurance producer license of John Patrick Richwalder, dated June 10, 2005, and filed by the Staff of the Maine Bureau of Insurance.

2) The Maine Insurance 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, 601, 1417, 1420-E and 1420-K.

FINDINGS OF FACT

3) John Patrick Richwalder is licensed in Maine as a resident insurance producer. His license number in Bureau records is PRR 101572. His National Producer Registry Number is 6786769.

4) Mr. Richwalder's last known business address, as shown in Bureau records, is:

Mega Life & Health Insurance
16 Penn Plaza
Bangor, ME 04401

5) Mr. Richwalder's last known physical address, as shown in Bureau records, is:

27 Elliott Avenue
Lewiston, ME 04240

6) The address shown on check #325 drawn on John Richwalder's bank account to the order of the Bureau of Insurance and dated "1-28-04" is:

PO Box 198
Lincolntonville, ME 04849

- 7) The Bureau of Insurance originally approved Mr. Richwalder's application for producer licensing on February 13, 2004.
- 8) After approval of the application and issuance of the license, the Bureau received notice that Mr. John Richwalder's check for the licensing fee had been returned for insufficient funds.
- 9) On March 29, 2004, a Bureau employee wrote to Mr. Richwalder on behalf of the Superintendent, advising him that the check had been refused, the fee still needed to be paid, and failure to pay could result in further action by the department.
- 10) The Bureau did not receive a reply from Mr. Richwalder.
- 11) On June 14, 2004, a Bureau employee sent a second notice to Mr. Richwalder on behalf of the Superintendent, regarding the same matters.
- 12) The Bureau did not receive a reply from Mr. Richwalder.
- 13) On November 17, 2004, the Bureau employee, on behalf of the Superintendent, mailed a third notice regarding the same matters to Mr. Richwalder.
- 14) To date, Mr. Richwalder has not provided any response nor paid the required fee.
- 15) The Bureau provided notice by U.S. Mail to Mr. Richwalder of the Petition to revoke, and provided opportunity for hearing, by regular mail directed to the above addresses on June 13, 2005 in accordance with the requirements of 24-A M.R.S.A. §213.
- 16) Mr. Richwalder has not requested a hearing on this matter, and the time period allotted for the filing of any such request has expired.

GROUND FOR LICENSE REVOCATION and FINDINGS

FAILURE TO PAY REQUIRED FEES

- 17) The Superintendent may, after notice and opportunity for hearing, revoke a producer's license under 24-A M.R.S.A. §1420-K(1)(B) for violating any insurance laws. The Maine Insurance Code, at 24-A M.R.S.A. §1420-E, provides that in order to approve an application for producer

licensing, the Superintendent must find that the applicant has paid any required fees set forth in section 601.

18) Section 601 of the Insurance Code requires applicants for resident producer licensing to pay an application filing fee of \$15.00 and an issuance fee of \$30.00, for a total of \$45.00.

19) The Superintendent FINDS that Mr. Richwalder has not paid the fees required for producer licensing because his check for \$45.00 was not honored due to insufficient funds, which violates 24-A M.R.S.A. §1420-E and §601, and therefore constitutes grounds for action against Mr. Richwalder's license under §1420-K(1)(B).

FAILURE TO RESPOND TO THE SUPERINTENDENT

20) The Maine Insurance Code, at 24-A M.R.S.A. §220(2), provides that: "All insurers and other persons required to be licensed pursuant to this Title shall respond to all lawful inquiries of the superintendent that relate to resolution of consumer complaints involving the licensee within 14 days of receipt of the inquiry and to all other lawful inquiries of the superintendent within 30 days of receipt. If a substantive response can not in good faith be provided within the time period, the person required to respond shall so advise the superintendent and provide the reason for the inability to respond."

21) Mr. Richwalder did not respond to the letters dated March 29, 2004, June 14, 2004, and November 17, 2004, in violation of §220(2), which constitutes statutory grounds for revoking Mr. Richwalder's producer license under §1420-K(1)(B) for violating insurance laws.

ORDER REVOKING LICENSE of JOHN PATRICK RICHWALDER

The resident insurance producer license of John Patrick Richwalder, License # PRR101572, National Producer # 6786769, is hereby **REVOKED** in accordance with the above findings, 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 August 1, 2005.

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, which has been given in accordance with the requirements of 24-A M.R.S.A. §213. 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