

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

**IN RE:**

**DENNIS P. BOOTHBY  
National Producer # 8846221  
Maine License # PRR 128997**

**Docket No. INS 06-503**

**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 Dennis P. Boothby, dated August 21, 2006, 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, 1411, 1417, 1420-B and 1420-K.

**FINDINGS OF FACT**

3) Dennis P. Boothby became licensed in Maine as a resident insurance producer on July 3, 2006. His license number in Bureau records is PRR 128997. His National Producer Registry Number is 8846221.

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

American Income Life  
75 Bishop Street  
Portland, ME 04103

5) The Bureau of Insurance originally approved Mr. Boothby's application for producer licensing on July 3, 2006.

6) After approval of the application and issuance of the license, the Bureau received information that Mr. Boothby had engaged in producer activities before becoming licensed, specifically including the submission

to an insurer of a potential insured's application for insurance on June 29, 2006.

7) On July 13, 2006, a Bureau employee wrote to Mr. Boothby on behalf of the Superintendent, requesting information on any producer activities, consisting of the sale, solicitation, or negotiation of insurance, in which he had engaged before becoming licensed to perform such activities. This letter requested a response by July 31, 2006.

8) The Bureau did not receive a reply from Mr. Boothby.

9) On August 1, 2006, a Bureau employee sent a second notice by U.S. Certified Mail to Mr. Boothby on behalf of the Superintendent, regarding the same matters. This letter required a response by August 15, 2006, and noted that a failure to respond would subject Mr. Boothby's license to possible disciplinary action.

10) The Bureau received the Certified Mail receipt indicated receipt of the August 1 2006 letter at Mr. Boothby's business address on August 4, 2006.

11) To date, Mr. Boothby has not provided any response to the requests for information regarding his unlicensed activity.

12) The Bureau provided notice by U.S. Certified Mail to Mr. Boothby of the Petition to revoke, and provided opportunity for hearing, directed to his business address of record, American Income Life, 75 Bishop Street, Portland, ME 04103 on August 21, 2006, in accordance with the requirements of 24-A M.R.S.A. §213.

13) On September 5, 2006, the Bureau received the Certified Mail receipt that indicated receipt of the Petition and Notice and Opportunity for Hearing at Mr. Boothby's business address on August 24, 2006.

14) Mr. Boothby 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**

### **ACTING WITHOUT A LICENSE IN VIOLATION OF THE INSURANCE CODE**

15) 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.

16) The Maine Insurance Code, at 24-A M.R.S.A. §1411(1), provides in pertinent part: "A person may not act as or purport to be an insurance

producer or limited insurance producer or engage in producer activities with respect to insurance risks resident, located or to be performed in this State or elsewhere for any kind or kinds of insurance unless licensed....”

17) The Maine Insurance Code, at 24-A M.R.S.A. §1420-B, further provides: “A person may not sell, solicit or negotiate insurance in this State for any class or classes of insurance unless the person is licensed for that line of authority in accordance with this subchapter.”

18) Mr. Boothby engaged in producer activities in Maine prior to being licensed, which violates 24-A M.R.S.A. §1411(1) and §1420-B, and therefore constitutes grounds for action against Mr. Boothby’s license under §1420-K(1)(B).

### **FAILURE TO RESPOND TO THE SUPERINTENDENT**

19) 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.”

20) Mr. Boothby did not respond to the letters dated July 13, 2006 and August 1, 2006, in violation of §220(2), which constitutes statutory grounds for revoking Mr. Boothby’s producer license under §1420-K(1)(B) for violating insurance laws.

### **ORDER REVOKING LICENSE of Dennis P. Boothby**

The Superintendent of Insurance, after notice and opportunity for hearing, hereby finds that Dennis P. Boothby acted as a producer in Maine before being licensed as such, and failed to respond to lawful inquiries of the Superintendent, both of which constitute statutory grounds for revoking his producer license under the Maine Insurance Code as more specifically stated in the above Findings of Fact and Conclusions of Law.

Therefore, the insurance producer license of **Dennis P. Boothby**, # PRR 128997, 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 26, 2006.

## **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.

9/26/2006

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ALESSANDRO A. IUPPA  
Superintendent, Maine Bureau of  
Insurance