

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

IN RE: William Patrick Doyle)	
)	
)	DECISION AND ORDER
Maine License Number: PRR361213)	
National Producer No. 19646369)	
Docket No. INS-22-204)	

I. PROCEDURAL HISTORY

On May 12, 2022, staff of the Maine Bureau of Insurance received a letter via email from Maine resident producer William Doyle requesting a hearing. Doyle's request was in response to a notification sent to him by Bureau staff, dated April 8, 2022, informing him that he was delinquent in completing the Continuing Education (CE) credits required to maintain his producer license. The notice from Bureau staff stated that Doyle was subject to a civil penalty of \$250.00 pursuant to 24-A M.R.S. § 1482 and Maine Bureau of Insurance Rule 542. The notice further stated that Doyle would be subject to suspension of his license if he failed to complete the required number of CE credits within 60 days after his compliance date, and that he would be subject to termination of his license if he did not complete the required number of CE credits within 60 days following a suspension of his license. The letter also explained that he had a right to request a hearing if he did not agree with the imposition of the civil penalty. Doyle timely requested a hearing.

The hearing was held on June 7, 2022 at the offices of the Maine Bureau of Insurance in Gardiner, Maine. The hearing was held pursuant to 24-A M.R.S. § 229 and was conducted in accordance with the procedures set forth in the Maine Administrative Procedure Act, 5 M.R.S. §§ 9051–9064, the Maine Insurance Code, 24-A M.R.S. §§ 229–236, and Maine Bureau of Insurance Rule 350.

Doyle participated in the hearing. He did not submit any exhibits. Bureau staff attorney Hancock Fenton appeared pursuant to Rule 350. Nine exhibits from Bureau staff were admitted into evidence without objection. The exhibits submitted by Bureau staff included Bureau records of the licensing and continuing education status of Doyle, a notice of continuing education requirements

from the Bureau sent to Doyle dated August 26, 2021, and the notice from Bureau staff sent to Doyle, dated April 8, 2022, explaining that he was delinquent in the completion of continuing education requirements, and that he was subject to a \$250.00 civil penalty.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Pursuant to 24-A M.R.S. § 1482, insurance producers must complete a continuing education requirement every two years consisting of courses approved by the Superintendent. Rule 542, which became effective on January 1, 2007, sets out specific CE requirements for a Maine resident producer to maintain a license. Producers are required to complete a minimum 24 credit hours each biennium. Rule 542 § 4(A). The timing of this requirement is tied to the producer's specific "Compliance Date," which is defined in Rule 542 § 3(B) as "...the last date of the biennium concluding in an odd year for individuals born in an odd year or the last date of the biennium concluding in an even year for individuals born in an even year."

Biennium is defined as "the period commencing on the first day of the month following the individual's birth month and concluding on the last day of the individual's birth month two years later." Rule 542 § 3(A).

The evidence at the hearing established that Doyle was licensed as a Maine resident producer on September 16, 2020. His date of birth is March 29, 1980. Therefore, his first biennium ran from April 1, 2020 through March 31, 2022. His first compliance date was March 31, 2022. The letter sent by Bureau staff to Doyle dated August 26, 2021 accurately set out these dates and the requirements that he was required to meet by March 31, 2022 in order to maintain his license.

Doyle does not dispute Bureau staff's explanation of his date of licensure or of the date by which he was required to earn his 24 hours of credit. He does not dispute that he failed to complete the required credit hours. He does not dispute that as of April 1, 2022, he had earned none of the required 24 hours of continuing education credits.

Doyle stated that when he obtained his producer license in September 2020, he believed that he had two years from his date of licensure to obtain the required 24 hours of credit. He stated that he did not receive the August 26, 2021 letter from the Bureau. He does not dispute that the letter was addressed properly to him. He believes it is possible that there was a problem

with the mail. He also stated that he has not been appointed with an insurer and has not been actively selling insurance since obtaining his license, so that there was no public harm in his failure to obtain the required continuing education credits.

He believes he has mitigating circumstances, primarily due to his confusion about the compliance deadlines and the fact that he has not been actively engaged in selling insurance since obtaining his license. Testifying on behalf of Doyle was Maine resident producer Alan Minthorn. Minthorn testified that both he and Doyle misunderstood the two-year CE requirement. Minthorn testified that he is planning to hire Doyle to work with him at his business, Maine Senior Insurance, LLC.

Rule 542 § 8(A) allows the Superintendent to grant an extension of time to complete CE credits for good cause. Doyle did not request an extension of time to complete his CE credits prior to the compliance date. In any event, the record does not show that good cause existed to grant such an extension.

As part of the responsibilities of maintaining a producer license in the State of Maine, producers are expected to be knowledgeable about licensing requirements, including requirements for continuing education and the deadline for completion of required credit hours. The Bureau serves as a resource for licensees with questions, and Bureau staff routinely provide guidance for licensees who have questions about licensing requirements. There was no evidence presented that would show that Doyle was somehow not subject to the clearly established CE requirements.

Rule 542 establishes the civil penalty for failure to complete required CE hours as \$25 for each credit hour that has not been completed by the compliance date, up to a maximum penalty of \$250.00. Rule 542 § 8(A). There is no requirement that public harm be shown prior to the imposition of the civil penalty. Since Doyle did not complete any of the required 24 hours of CE by the compliance date, he is properly subject to the maximum \$250.00 civil penalty.

III. CONCLUSION AND ORDER

Prior to the hearing in this matter, Doyle paid the required civil penalty and obtained the required continuing education credits to keep his license in good standing. Doyle's request for waiver of the penalty set by Rule 542 § 8(A) is hereby DENIED.

IV. 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 Procedure Act. It may be appealed to the Superior Court in the manner provided by 24-A M.R.S. § 236, 5 M.R.S. § 11001, et seq. and M.R. Civ. P. 80C. Any party to the proceeding may initiate an appeal within thirty days after receiving this notice. Any aggrieved non-party whose interests are substantially and directly affected by this Decision and Order may initiate an appeal within forty days of the issuance of this decision. There is no automatic stay pending appeal; application for stay may be made in the manner provided in 5 M.R.S. § 11004.

PER ORDER OF THE SUPERINTENDENT OF INSURANCE

June 30, 2022


TIMOTHY N. SCHOTT
Acting Superintendent of Insurance