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

***In re*: DAVID MACKENZIE**	
National Producer No. 18800425 **Maine License No. PRR310135** **Docket No. INS-25-276**	**DECISION AND ORDER**

I. PROCEDURAL HISTORY

On October 27, 2025, the Superintendent of Insurance issued an Order revoking Mr. MacKenzie's resident insurance producer license. The revocation was based on three criminal convictions that the Superintendent stated were not reported to the Bureau of Insurance (Bureau), within the period required by 24-A M.R.S. § 1420-P(2). The Revocation Order also stated that the three convictions constituted ground for revocation of an insurance producer license pursuant to 24-A M.R.S. § 1420-K(1)(F).

The revocation order was subject to Mr. MacKenzie's right to request a hearing. Mr. MacKenzie timely requested a hearing. In the request for a hearing, Mr. MacKenzie requested that the hearing be delayed until his release from confinement and that he have additional time in which to contact an attorney. The hearing was originally scheduled for January 26, 2026, but was continued due to a winter storm precluding travel on that date and closing state offices. The hearing was rescheduled and was held on July 29, 2026.

Mr. MacKenzie participated in the hearing. Bureau licensing attorney Courtney Awale also participated in the hearing pursuant to Bureau Rule 350, assisted by Assistant Attorney General Lisa Wilson. Licensing Director Tracy Cunningham was called by the Bureau as a witness and was cross-examined by Mr. MacKenzie. Prior to the hearing, Bureau staff submitted 19 exhibits, including records relating to Mr. MacKenzie's resident producer license and the Superseding Indictment, Maine Supreme Judicial Court decision, Judgement and Commitment, and docket record relating the criminal charges and subsequent trial and appeal, along with the administrative documents relating to the hearing and relevant statutes. All exhibits were entered into evidence without objection.

The record was left open to allow for Mr. MacKenzie to provide documentation of a phone call he claimed to have made to the Bureau regarding the criminal convictions. No documentation was received, and the record was closed on August 5, 2026.

II. STANDARD OF REVIEW

The Superintendent of Insurance may deny, revoke, suspend or take other action regarding a producer license under 24-A M.R.S. § 1417 if the Superintendent finds that any of the causes listed under 24-A M.R.S. § 1420-K apply. The Superintendent's October 27, 2025, Revocation Order listed two reasons for the revocation in this matter.

First, under 24-A M.R.S. § 1420-P(2), the holder of a resident producer license is required to report any criminal prosecution of the producer to the superintendent within

30 days of the initial pretrial hearing. Furthermore, this report must include the initial complaint, the order resulting from the hearing, and any other relevant legal documents. Failure to report as described by this section would constitute a violation of this section and thus a violation of an insurance law. This in turn would serve as grounds for revocation under 24-A M.R.S. § 1420-K(1)(B), which allows for the revocation of a license if a licensee violates any insurance laws.

Second, under 24-A M.R.S. § 1420-K(1)(F), the superintendent may revoke the license of a licensee who has been convicted of a criminal offense, subject to the limitations provided by Title 5, Chapter 341. Under Chapter 341, a criminal offense may be considered as a ground for revocation of an occupational license under 5 M.R.S. § 5302 only if the conviction is of a type allowed by 5 M.R.S. § 5301(2), the conviction falls within the time limit for consideration described by 5 M.R.S. § 5303, and the licensee has not met the burden of proof that the licensee has been sufficiently rehabilitated to warrant the public trust as required by 5 M.R.S. § 5302(1).

The purpose of the hearing in this matter was to determine whether Mr. MacKenzie violated any of the provisions cited by the Superintendent and if there was a violation, what sanction, if any is appropriate.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

On July 21, 2023, a criminal complaint was filed against Mr. MacKenzie in relation to an incident occurring on July 15, 2023. The first hearing listed on the docket relating to these charges was held July 21, 2023. An arraignment in this matter was held October 4, 2023, wherein the defendant Mr. MacKenzie pled not guilty. A trial was held in this matter beginning on August 26, 2024, in which Mr. MacKenzie was convicted of 3 offenses: Aggravated Criminal Operating Under the Influence (Class C), Aggravated Assault (Class B), and Leaving Scene of an Accident Involving Serious Bodily Injury or Death (Class C). Mr. MacKenzie subsequently appealed the verdict. In a decision dated August 29, 2025, the Maine Supreme Judicial Court rejected Mr. MacKenzie's appeal.

A Class B Crime is eligible for a maximum of 10 years imprisonment.[1] A Class C Crime is eligible for a maximum of 5 years imprisonment.[2]

A resident insurance producer license is an occupational license.

Failure to Report Criminal Conviction

The evidence submitted in this case indicates that Mr. MacKenzie did not submit any documents to the Bureau related to the three criminal convictions described in the revocation order. Thus Mr. MacKenzie did not at any point submit to the superintendent the initial complaint, the order resulting from the hearing, or any other legal documents relevant to his criminal convictions.

I hereby find that Mr. MacKenzie has violated 24-A M.R.S. § 1420-P(2) by failing to report the required items relating to a criminal conviction to the superintendent. Because no documents were submitted, I do not reach the question of whether the required documents related to the criminal conviction were submitted within 30 days of the initial pretrial hearing on that conviction.

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[1] 17-A M.R.S. § 1604(1)(B).

[2] 17-A M.R.S. § 1604(1)(C).

Revocation for Conviction of Criminal Offense

The evidence submitted in this case indicates that Mr. MacKenzie was convicted of the criminal offenses described in the revocation order. The nature of the criminal convictions was serious, resulting in severe bodily injury to the victim.

The evidence submitted in this case indicates that the criminal convictions described in the revocation order were the kind of conviction for which incarceration for one year or more may be imposed, and thus the criminal convictions are allowed to be considered as grounds for the revocation of an occupational license under 5 M.R.S. § 5301(2)(D).

The evidence submitted in this case indicates that the consideration of prior criminal convictions during the hearing on this matter occurred within 3 years of Mr. MacKenzie's final discharge from the correctional system, and thus meets the requirements of the time limits on consideration of prior criminal convictions set forth in 5 M.R.S. § 5303(1).

The evidence submitted in this case indicates that Mr. MacKenzie was, as of the date of the hearing, still under the conditions of community supervision. Though at the time of the hearing no evidence was presented to indicate that Mr. MacKenzie had violated any of the conditions of community supervision, he has not yet demonstrated full compliance with the community supervision provisions because of the time remaining on the supervision period. During the hearing, Mr. MacKenzie did testify about efforts to improve his life by completing a substance abuse treatment program, but did not show remorse for his actions relating to the criminal convictions, instead continuing to dispute the facts found by the trial court and attempting to shift blame to the victim.

I hereby find that:

(1) Mr. MacKenzie was convicted of the three criminal offenses described in the revocation order;

(2) the three convictions were each of the kind allowed to be considered as grounds for revocation of an occupational license under 5 M.R.S. § 5301(2)(D) because the convictions were eligible for one year of incarceration or more;

(3) the convictions were properly considered under 5 M.R.S. § 5303(1) as grounds for revocation of an occupational license because the consideration was not later than three years after Mr. MacKenzie's final discharge from the correctional system;

(4) Mr. MacKenzie did not meet the burden of proof for showing that he was sufficiently rehabilitated to warrant the public trust; and

(5) because of the aforementioned factors, the criminal convictions described in the order revoking Mr. MacKenzie's resident producer license constitute grounds for the revocation of an occupational license as a violation of 24-A M.R.S. § 1420-K(1)(F).

IV. CONCLUSION AND ORDER

Either of the violations found could warrant revocation under the operation of 24-A M.R.S. §§ 1417 and 1420-K, so revocation for both violations is warranted. It is therefore ordered that Mr. MacKenzie's resident producer license is hereby REVOKED. Mr. MacKenzie is not barred from application for a producer license in the future.

V. 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

August 12, 2026

Stacy L. Bergendahl
Senior Staff Attorney
Maine Bureau of Insurance

cc: Courtney Awale, Lisa Wilson, David MacKenzie