

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

IN RE:

**GARY JOHN PAYNE
National Producer # 382283**

Docket No. INS 04-506

**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 nonresident insurance producer license of Gary John Payne, dated October 7, 2004, 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, 1417, and 1420-K.

FINDINGS OF FACT

3) Gary John Payne was first licensed in Maine as a nonresident insurance producer on November 13, 1980. His license number in Bureau records is PRN 11066. His National Producer Registry Number is 382283. Effective November 4, 2004, he voluntarily surrendered his license.

4) Mr. Payne's address of record, as reflected in the Bureau's licensing records, is:

Primerica Insurance Agency of Mass, Inc.
43 R Prince Street
PO Box 2186
Danvers, MA 01923-5186

Mr. Payne's last known resident address, as reflected in the NAIC National Producer Database, is:

15 Stone Street Apt C
Beverly, MA 01915

CRIMINAL CONVICTION

5) On February 12, 2004, Mr. Payne pled guilty to two Federal felony counts of attempting to evade and defeat tax in violation of Title 26 United States Code §7201.

ADMINISTRATIVE ACTIONS IN OTHER STATES

6) The records contained in the NAIC "Producer Database," which is an official source of licensing information regarding insurance producers, indicate the following administrative actions against Mr. Payne's license:

- a) License revocation in the State of California effective June 11, 2004.
- b) License cancellation in the State of North Carolina effective June 11, 2004.
- c) License revocation in the State of South Carolina effective June 14, 2004.
- d) License revocation in the State of Kentucky effective July 30, 2004.

GROUND S FOR LICENSE REVOCATION and FINDINGS

CRIMINAL CONVICTION

7) Under 24-A M.R.S.A. §1420-K (1)(F), the Superintendent may, after notice and opportunity for hearing, revoke a producer's license based upon having been convicted of any offense as provided in 5 M.R.S.A. § 5301, which includes "Convictions for which incarceration for one year or more may be imposed," subject to the time limit requirement under 5 M.R.S.A. §5303.

8) The Superintendent FINDS that Mr. Payne's guilty plea in 2004 to two counts of violating 26 USC §7201, "Attempt to evade or defeat tax," constitutes a conviction for which incarceration of more than one year may be imposed, which establishes statutory grounds for revoking his producer license under 24-A M.R.S.A. §1420-K (1)(F), and 5 M.R.S.A. §§ 5301 and 5303.

LICENSE ACTIONS IN OTHER STATES

9) The Superintendent may, after notice and opportunity for hearing, revoke a producer's license under 24-A M.R.S.A. §1420-K(1)(I), based upon "having an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory."

10) The Superintendent FINDS that Mr. Payne's insurance producer license has been revoked in the States of California, Kentucky and South Carolina, and cancelled in the State of North Carolina, constituting grounds for action against Mr. Payne's Maine license under §1420-K(1)(I).

EFFECT OF VOLUNTARY TERMINATION

11) As specified in Paragraphs 1 and 3 above, this proceeding to revoke Mr. Payne's license was filed October 7, 2004, and Mr. Payne voluntarily surrendered his license effective November 4, 2004.

12) Under 24-A M.R.S.A. §1417(3), the Superintendent may, after notice and opportunity for hearing, deem the license suspended or revoked of a previously licensed person who voluntarily surrendered an insurance license.

ORDER REVOKING LICENSE of GARY JOHN PAYNE

The nonresident insurance producer license of Gary John Payne, # PRN 11066, National Producer # 382283, is hereby deemed **REVOKED** after notice and opportunity for hearing and 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 November 15, 2004.

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