

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

IN RE:

**IRENE M. NUTTER
National Producer # 3355450**

Docket No. INS 06-501

**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 adjuster license of Irene M. Nutter, dated February 1, 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, 1417, and 1420-K.

FINDINGS OF FACT

3) Irene M. Nutter is licensed in Maine as a nonresident insurance adjuster. Her license number in Bureau records is ADN 105709. Her National Producer Registry Number is 3355450.

4) Ms. Nutter's last known address as of the filing of the Petition referenced above, as specified in Bureau of Insurance license records, was:

6 Homestead Lane
Londonderry, NH 03053

5) Ms. Nutter's last known business address of record as of the date hereof, and as updated February 9, 2006 in the Bureau of Insurance license records, is:

PO Box 364
Londonderry, NH 03053-0364

6) In January of 2006, Ms. Nutter pleaded guilty to two felony counts of fraud in United States District Court, Concord, New Hampshire.

7) The Bureau provided notice by U.S. Mail to Ms. Nutter of the Petition to revoke, and provided opportunity for hearing, directed to 6 Homestead Lane, Londonderry, NH 03053, on February 1, 2006, in accordance with the requirements of 24-A M.R.S.A. §213.

8) Ms. Nutter 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

CRIMINAL CONVICTION AS STATUTORY BASIS FOR REVOCATION

9) Under 24-A M.R.S.A. §1417 and §1420-K(1)(F), the Superintendent may, after notice and opportunity for hearing, revoke an adjuster's license based upon a conviction in court of any offense under Title 5 M.R.S.A. §5301, which includes among the convictions for which such actions are authorized: "Convictions for which incarceration for one year or more may be imposed."

10) Ms. Nutter's felony conviction of fraud constitutes a conviction for which incarceration for one year or more may be imposed, and the conviction occurred within the time limits established under 5 M.R.S.A. §5303.

11) Ms. Nutter's felony fraud conviction establishes statutory grounds for revoking her adjuster license under 24-A M.R.S.A. §1417 and §1420-K(1)(F).

FEDERAL PROHIBITION BASED UPON FELONY CONVICTION INVOLVING DISHONESTY OR BREACH OF TRUST

12) Title 18 United States Code §1033 prohibits any individual who has ever been convicted of a felony involving dishonesty or breach of trust from engaging in or participating in the business of insurance unless the person has secured a waiver (written consent) from an appropriate insurance regulatory official, and provides for Federal criminal and civil penalties for violations of this prohibition.

13) Ms. Nutter's felony conviction involves dishonesty or breach of trust. The Bureau's records therefore reflect that, lacking a specific waiver from this prohibition, Ms. Nutter is prohibited under Federal law from engaging

or participating in the business of insurance under 18 USC §1033, and accordingly is ineligible to maintain an insurance license under State law.

ORDER REVOKING LICENSE of Irene M. Nutter

The Superintendent of Insurance, after notice and opportunity for hearing, hereby finds that Irene M. Nutter has been convicted of a criminal offense which constitutes statutory grounds for revoking her adjuster license under the Maine Insurance Code as more specifically stated in the above Findings of Fact and Conclusions of Law.

Therefore, the insurance adjuster license of **Irene M. Nutter**, # ADN 105709, 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 March 10, 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.

ALESSANDRO A. IUPPA
Superintendent, Maine Bureau of
Insurance