

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

***In re* HOWARD FARBER**

**Maine License No. PRN132512
National Producer No. 8668691**

DOCKET NO. INS-10-211

] **DECISION AND ORDER**
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When Howard Farber applied for licensure as a nonresident insurance producer, he falsely represented that he had never been convicted of a crime. After he was licensed, his nonresident licenses in six other states were revoked, and he was fined \$7500 by New York, where he holds his resident license. He failed to disclose any of these administrative actions. Pursuant to 24-A M.R.S.A. §§ 12-A and 1420-K, his Maine license is therefore hereby revoked, effective immediately, and he is ordered to pay a civil penalty of \$1000.

On June 8, 2010, Bureau of Insurance Staff filed a Petition for Enforcement against Mr. Farber. The Superintendent issued a Notice of Hearing on July 13, and held a public adjudicatory hearing on September 16, 2010, with Bureau Staff appearing as a party pursuant to 5 M.R.S.A. § 9054(5).¹ Mr. Farber was not present at the hearing, despite having been warned in the Notice of Hearing that "Failure to appear at the hearing may result in a disposition by default, which may be set aside only if good cause is demonstrated to the satisfaction of the Superintendent." See 5 M.R.S.A. § 9053(3). The record reflects Staff's efforts to contact Mr. Farber.

The facts set forth above have been amply documented in the record, have not been contested by Mr. Farber, and constitute sufficient grounds under 24-A M.R.S.A. § 1420-K for revocation of his license, for the imposition of a civil penalty of \$500 for a false license application, and for the imposition of a civil penalty of \$500 for failing to report the administrative actions taken against him. I therefore find that Staff has met its burden of proof.

Order and Notice of Appeal Rights

It is therefore *ORDERED*:

1. Mr. Farber shall pay a civil penalty of \$1000, by check payable to the Treasurer of State.
2. Mr. Farber's insurance producer license is hereby *REVOKED*.

This Decision and Order is a final agency action of the Superintendent of Insurance within the meaning of the Maine Administrative Procedure Act. It is appealable to the Superior Court in the manner provided in 24-A M.R.S.A. § 236 and M.R. Civ. P. 80C. Any party to the hearing 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 on or before October 26, 2010. Alternatively, pursuant to Maine Bureau of Insurance Rule 350, § 19, Mr. Farber may file a motion to set aside his default and reopen the hearing within thirty days after service of this notice; any such motion must explain both why Mr. Farber failed to appear and why the findings of fact and conclusions of law are erroneous or the sanctions ordered are disproportionate to the violations found. There is no automatic stay pending appeal or reconsideration; application for stay may be made in the manner provided in 5 M.R.S.A. § 11004.

¹ The Superintendent has appointed Bureau of Insurance General Counsel Robert Alan Wake, pursuant to 24 M.R.S.A. § 210, to serve as hearing officer in this proceeding with full authority to take final agency action on her behalf.

PER ORDER OF THE SUPERINTENDENT OF INSURANCE

SEPTEMBER 16, 2010

ROBERT ALAN WAKE
DESIGNATED HEARING OFFICER