

wife was employed as his bookkeeper," his further testimony at Page 30 refers to using the clerical code "at audit."

The purpose of the hearing is to allow all interested persons to present the relevant evidence, and the hearing officer is required to base his or her decision on the evidence actually in the record so that everyone has access to the same information and the same opportunity to argue their case to the hearing officer. Ordinarily, a claim that important information is missing from the record would not be sufficient reason to reconsider the decision and reopen the hearing. However, the Petition challenged only the correctness of the reclassification. The timing was an issue I raised at my own initiative, and I raised it for the first time after the hearing was already over and the record was closed.

For this reason, I am granting the motion to reconsider. Although MEMIC had the opportunity to enter the declarations page into evidence, it did not have notice that the information on that page would decide the outcome of the case. However, it is unnecessary to actually reopen the hearing to take that evidence or any other new evidence the parties may wish to present, because MEMIC has forgiven the premium debt, so that vacating the earlier Decision and Order will provide all the relief requested by MEMIC and will have no effect on Mr. Webb.

Order and Notice of Appeal Rights

It is therefore *ORDERED* that MEMIC's Motion to Reconsider is *GRANTED*. The Decision and Order of June 21 is *VACATED* and the Petition is hereby *DISMISSED AS MOOT*.

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 (2000) 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 August 15, 2000. There is no automatic stay pending appeal; application for stay may be made in the manner provided in 5 M.R.S.A. § 11004.

PER ORDER OF THE SUPERINTENDENT OF INSURANCE

JULY 6, 2000

ROBERT ALAN WAKE
DESIGNATED HEARING OFFICER