



**The State of New Hampshire
Insurance Department**

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Christopher R. Nicolopoulos
Commissioner

David J. Bettencourt
Deputy Commissioner

July 19, 2021

HAND DELIVERY & VIA EMAIL: linda.m.zalinskie@ins.nh.gov
Hearings Clerk
New Hampshire Insurance Department
21 South Fruit Street, Suite 14
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VIA FIRST-CLASS & VIA EMAIL: rbean04@comcast.net
Richard A. Bean, Jr.
3 Executive Park Drive
Suite 267
Bedford, NH 03110

Re: Richard A. Bean, Jr.
NHID's Objection to Respondent's Motion for Appeal
Docket No.: INS No. 20-070-EP

Clerk Zalinskie,

Enclosed please find the New Hampshire Insurance Department's Objection to Respondent's Motion for Appeal for filing in the above referenced matter.

Sincerely,

/s/ Joshua Hilliard

Joshua S. Hilliard, Esq.
Enforcement Counsel

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

**In Re: Richard A. Bean Jr.
Docket No.: Ins. No. 20-070-EP**

**New Hampshire Insurance Department's
Objection to Respondent's Motion for Appeal**

The New Hampshire Insurance Department (NHID), by and through its counsel, objects to the Respondent's Motion for Appeal and requests that the Commissioner deny it, and in support thereof states as follows:

1. On July 15, 2021, Respondent filed a Motion for Appeal.
2. Though titled a Motion for Appeal, the NHID assumes Respondent has in fact filed a Motion for Rehearing of the Commissioner's June 15, 2021 decision in this matter, given the strictures of RSA 541 and relief requested: an appearance before the Commissioner to argue his case.
3. NH RSA 541:4 requires that a petitioner "shall set forth fully every ground upon which it is claimed that the decision or order complained of is *unlawful or unreasonable.*" [emphasis added]
4. Respondent has not provided the Commissioner any evidence to suggest that the decision was unlawful or unreasonable. To the contrary, Respondent has only argued that he has additional information to provide to the Department and that he does not agree with the penalty assessed due to his misconduct. Neither argument supports a finding of unlawfulness or unreasonableness in the June 15, 2021 decision.

5. In addition, Respondent has not met the requirement that he set forth “fully” every ground upon which he has requested relief. Instead, Respondent has only alluded to additional materials he asserts he has finally accessed from his computer, which he will present to the Department if provided an opportunity to meet with the Commissioner.
6. The NHID first requested to speak with Respondent regarding these matters on September 3, 2020. The record did not close until March 14, 2021. In short, Respondent had over 6 months to provide to the Department any information he thought necessary relating to the matters discussed in the decision. His failure to do so during those six months does not create grounds for a rehearing now.
7. NH RSA 541:3 provides that the Commissioner should only grant a request for rehearing if there is “good reason” to do so. Though not defined in statute, good reason could be considered equivalent to good cause, which “generally signifies a sound basis or legitimate need to take judicial action.” *MacPherson v. Weiner*, 158 N.H. 6, 9 (2008) (internal citations omitted).
8. The Respondent has not provided a sound basis or legitimate need for the Commissioner to take further action and grant his request for rehearing. The June 15, 2021 decision propounded by the Commissioner was legally sound and the Respondent has identified no reason to re-litigate the issues decided.

WHEREFORE, the NHID requests that the Commissioner:

- A. Deny the Respondents’ Motion for Appeal; and
- B. For other relief as is just and proper.

NEW HAMPSHIRE INSURANCE DEPARTMENT

Date: _____

7/18/21



Joshua Hilliard, Esq.

NH Bar # 265632

Compliance and Enforcement Counsel

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing objection was sent this date electronically to rbean04@comcast.net and by first-class mail to Richard Bean, Jr. 3 Executive Park Drive, Suite 267, Bedford NH, 03310.



Joshua Hilliard, Esq.