

**STATE OF NEW HAMPSHIRE  
INSURANCE DEPARTMENT**

**In Re: Boston Mutual Life Insurance Company  
Docket No.: Ins. No. 24-009-EP**

**ORDER TO SHOW CAUSE  
AND  
NOTICE OF HEARING**

The New Hampshire Insurance Department (“NHID”) orders Boston Mutual Life Insurance Company (“Respondent”) to show cause why the New Hampshire Insurance Commissioner should not levy an administrative fine against it and order it to cease marketing, selling, or soliciting business for certain life insurance policies. In support of the Order to Show Cause and pursuant to RSA 541-A:31, RSA 400-A:17 *et seq.* and Ins Chapter 200, the NHID states as follows:

**STATEMENT OF FACTS**

1. Respondent is a Massachusetts domiciled insurance company which is authorized to write business in NH in the lines of Life, Accident, and Health.
2. On or about July 5, 2023, Respondent filed an annual life insurance illustration certification via the System for Electronic Rates & Forms Filing (“SERFF”).
3. On or about November 14, 2023, the Chief Life and Health Actuary at the NHID transmitted an objection to Respondent through SERFF inquiring about the period of certification for the illustration certification. Respondent did not respond to that request.
4. On or about December 11, 2023, Chief Life and Health Actuary at the NHID re-transmitted the same objection through SERFF, requesting the period of certification for the illustration and indicated that the filing would be disapproved if a response was not received within 10 business days. Respondent did not respond to that request.
5. On or about January 8, 2024, having received no response, Chief Life and Health Actuary at the NHID sent an e-mail to Respondent indicating that the filing was disapproved, and that Respondent needed to resubmit the life illustration certification within 10 business days. Respondent did not respond to those communications.

6. On or about January 31, 2024, the Director of Life and Health Division at the NHID called Respondent and left a voicemail giving them until close of business to provide the requested information. Respondent did not respond to that request.

#### **STATEMENT OF ISSUES**

7. Whether Respondent violated NH RSA 400-A:16, II by failing to respond within 10 working days to the NHID's November 14, 2023, request.
8. Whether Respondent violated NH RSA 400-A:16, II by failing to respond within 10 working days to the NHID's December 11, 2023, request.
9. Whether Respondent violated NH RSA 417 by failing to file a life illustration certification pursuant to INS 309.10 (d).
10. The NHID reserves the right to amend this statement of issues upon reasonable notice to the Commissioner (or his designated Representative) and the Respondent.

#### **INSURANCE LAWS VIOLATED BY RESPONDENT**

11. The NHID maintains the Respondent violated the following New Hampshire insurance law statutes: NH RSA 400-A:16, II and RSA 417.
12. The NHID reserves the right to amend this list of insurance laws violated by the Respondent upon reasonable notice to the Commissioner (or his designated Representative) and the Respondent.

#### **PENALTY REQUESTED**

13. In the event that the Hearing Officer determines after an evidentiary hearing that the NHID sustained its burden of proof with respect to the allegations of fact and violations of law outlined above, the NHID requests that the Hearing Officer impose the following sanctions on the Respondent:
  - a. Order Respondent to pay a penalty of \$7,500; and
  - b. Order Respondent to cease marketing, selling, or soliciting business for the relevant life insurance policies until it files a life illustration certification and provides responses to the Chief Life and Health Actuary's inquiries.

14. The NHID reserves the right to amend penalty requested upon reasonable notice to the Commissioner (or his designated Representative) and the Respondent.

**NOTICE OF HEARING**

15. An adjudicatory proceeding shall be commenced for the purpose of resolving the issues articulated above pursuant to RSA 541-A:31, RSA 400-A:17, *et seq.*, and Ins 200. To the extent that the Department's rules do not address an issue of policy or procedures, the Department shall apply the N.H. Department of Justice Rules, Part 800.
16. The Respondent shall appear at Department on **March 26, 2024, at 1:30 PM** at the Department's office located at 21 South Fruit Street, Suite 14, in Concord New Hampshire to participate in this adjudicatory proceeding and, if deemed appropriate, be subject to sanctions pursuant to RSA 400-A:15, III. Respondent's failure to appear at the time and place specified above may result in the hearing being held *in absentia* and sanctions may be imposed without further notice or an opportunity to be heard.
17. Michell Heaton, Esq. is appointed to act as Hearing Officer in this matter with all the authority within the scope of RSA 400-A:19 and Ins 203.01.
18. Sandra Barlow shall serve as clerk to the Hearing Officer. The parties should direct all communications to Ms. Barlow, whose contact information is:

Sandra Barlow, Clerk  
New Hampshire Insurance Department  
21 South Fruit Street, Suite 14  
Concord, NH 03301  
Tel: (603) 271-2033  
Fax: (603)271-1406  
Email: [sandra.l.barlow@ins.nh.gov](mailto:sandra.l.barlow@ins.nh.gov)

19. Respondent has the right to be represented by a lawyer in this proceeding. However, Respondent shall bear the cost of retaining said lawyer. Should Respondent elect to retain a lawyer, its lawyer shall file a Notice of Appearance with Ms. Barlow, and said lawyer should do so at the earliest possible date. A copy of the NHID's Notice of Appearance form is enclosed with this Order.

20. Any party may request a transcript of the proceeding. The party requesting a transcript of the proceedings shall file a written request for a certified court reporter with the Hearing Officer at least 10 days prior to the scheduled hearing date. The costs incurred for the services of a certified court reporter shall be borne by the requesting party.
21. Joshua Hilliard, Esq. shall serve as staff advocate representing the interests of the NHID.
22. All routine procedural inquiries may be made by contacting Sandra Barlow, Hearing Clerk, New Hampshire Insurance Department, 21 South Fruit Street, Suite 14, Concord NH 03301, (603) 271-2033, but that all other communications with the Hearing Officer and the Commissioner shall be in writing and filed as provided above. *Ex parte* communications are forbidden by statute and the Department's regulations.
23. A copy of this hearing notice shall be served upon Respondent by certified mail addressed to the mailing address on file with New Hampshire Insurance Department. *See*, RSA 400-A:14.

It is **SO ORDERED**.

NEW HAMPSHIRE INSURANCE DEPARTMENT

Date: 2/5/24

  
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David J. Bettencourt  
Insurance Commissioner

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing Order to Show Cause and Notice of Hearing was sent this date by first-class mail, postage prepaid, and by certified mail, return receipt requested to Respondent at 120 Royal Street, Canton MA 02021 and [grant.ward@bostonmutual.com](mailto:grant.ward@bostonmutual.com), the mailing and e-mail addresses the Respondent has on file with the NHID.

Date: 2/5/24

  
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Joshua S. Hilliard, Esq.  
Compliance & Enforcement Counsel