

**STATE OF NEW HAMPSHIRE  
INSURANCE DEPARTMENT**

**In re: Matthew Logan**

**Docket No.: INS No. 20-029-EP**

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

The New Hampshire Insurance Department (“NHID”) orders Matthew Logan (“Respondent”) to show cause why the New Hampshire Insurance Commissioner should not permanently revoke his New Hampshire insurance producer license and levy an administrative fine in the maximum amount allowed by law. In support of the Order to Show Cause and pursuant to RSA 541-A:31, RSA 400-A:17 and Ins Part 200, the NHID states as follows:

**STATEMENT OF FACTS**

1. The Respondent is a former non-resident insurance producer licensed to sell Accident & Health or Sickness, Life, and Variable Life and Variable Annuity insurance products. He was first licensed in New Hampshire on June 16, 2017 and continued to be licensed with the NHID until February 28, 2019 when his license expired.
2. On January 9, 2019, Respondent’s appointments with some insurance and annuity companies were terminated for cause as a result of Respondent directing another individual to complete his required regulatory training and continuing education requirements rather than completing those requirements himself.
3. In May of 2018, Respondent, via e-mail, directed his assistant to complete training he was required to complete on processing securities related checks and securities.

4. Throughout October and November of 2018, Respondent directed his assistant via e-mail to complete the required FINRA regulatory training and continuing education classes that Respondent was required to complete.
5. A review of Respondent's computer network activity on November 28, 2018 by his employer identified that Respondent had accessed the regulatory training website on which he was required to complete continuing education for only 4 minutes in the prior 30 days, while his assistant had accessed those same materials for over 4 hours.
6. NH RSA 402-J:12 provides that specific misconduct enumerated under sections I (a) through (m) are grounds to deny an initial application for licensure and are grounds for suspension or revocation of an already issued license.
7. The statute goes on to specifically provide at NH RSA 402-J:12, V that, "(t)he commissioner shall retain the authority to enforce the provisions of and impose any penalty or remedy authorized by this chapter and title XXXVII against any person who is under investigation for or charged with a violation of this chapter or title XXXVII even if such person's license or registration has been surrendered or has lapsed by operation of law."
8. Thus, the statute works to prevent a licensee from escaping administrative action because either the misconduct is not discovered prior to lapse or surrender, or the investigation and administrative action cannot be completed during the time the license was active.

#### **STATEMENT OF ISSUES**

9. Whether the Respondent demonstrated fraudulent, coercive, or dishonest practices in the conduct of insurance business in this state or elsewhere in violation of RSA 402-J:12, I

(h), by instructing his assistant to complete regulatory training he was required to complete himself.

10. Whether the Respondent demonstrated untrustworthiness in the conduct of business in this state or elsewhere in violation of RSA 402-J:12, I (h), by instructing his assistant to complete regulatory training he was required to complete himself.
11. The NHID reserves the right to amend this statement of issues upon reasonable notice to the Commissioner (or his designated Representative) and the Respondent.

**NEW HAMPSHIRE INSURANCE LAWS VIOLATED BY RESPONDENT**

12. The NHID maintains the Respondent violated the following New Hampshire insurance law statute: RSA 402-J:12, I (h).
13. 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**

14. In the event the Hearing Officer determines after 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. Pursuant to RSA 402-J:12, I and RSA 400-A:15, III, order the revocation of the Respondent's New Hampshire insurance producer license; and
  - b. Levy an administrative fine in the maximum amount allowed by law.

## NOTICE OF HEARING

THEREFORE, IT IS ORDERED that an adjudicatory/disciplinary proceeding 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; and,

IT IS FURTHER ORDERED that Respondent shall appear at Department **Tuesday, June 2, 2020 at 10:00 am**, 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 402-J:12, I and RSA 400-A:15, III; and,

IT IS FURTHER ORDERED that if Respondent elects to be represented by counsel, at Respondent's own expense, counsel shall file a notice of appearance at the earliest date possible. A copy of the NHID's Notice of Appearance is enclosed with this Order; and,

IT IS FURTHER ORDERED that 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; and,

IT IS FURTHER ORDERED that Michelle Heaton, Esquire, 21 South Fruit Street, Suite 14, Concord, NH, 03301 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.

IT IS FURTHER ORDERED that Joshua Hilliard, Esq. shall serve as the staff advocate representing the interests of the NHID; and,

IT IS FURTHER ORDERED that any proposed exhibits, motions or other documents the parties intend to become part of the record in this proceeding, be filed by the Respondent with the Hearing Clerk, in the form of an original and two copies. All documents shall be filed by mailing or delivering them to Linda Zalinskie, Hearing Clerk, New Hampshire Insurance Department, 21 South Fruit Street, Suite 14, Concord NH 03301.

IT IS FURTHER ORDERED that a witness list and any proposed exhibits shall be pre-marked and filed with the Hearing Clerk no later than ten (10) days before the date of the hearing. Respondent shall pre-mark exhibits with capital letters, and the Department's staff advocate shall pre-mark exhibits with Arabic numerals; and,

IT IS FURTHER ORDERED that unless good cause exists, all motions shall be filed at least fourteen (14) days before the date of any hearing, conference, event or deadline which would be affected by the requested relief. All responses or objections to such motions or other documents are to be filed in similar fashion within ten (10) days of receipt of such motion or other document unless otherwise ordered by the Hearing Officer; and,

IT IS FURTHER ORDERED that the entirety of all oral proceedings be recorded verbatim by the Department. Upon the request of any party made at least ten (10) days prior to the proceeding or conference, a shorthand court reporter shall be provided at the hearing or conference at the requesting party's expense. Any party may request a transcript of the proceeding in writing and the requesting party shall pay all reasonable costs for such transcription; and,

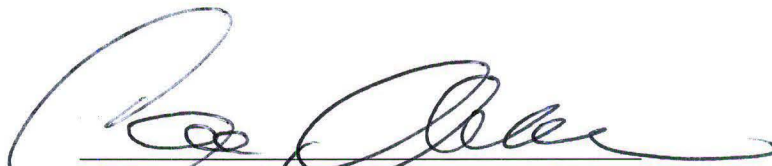
IT IS FURTHER ORDERED that routine procedural inquiries may be made by contacting Linda Zalinskie, Hearing Clerk, New Hampshire Insurance Department, 21 South Fruit Street, Suite 14, Concord NH 03301, (603) 271-2261, but that all other communications with the Hearing Officer and the Commissioner shall be in writing and filed as provided above. *Ex parte* communications are forbidden by statute and the Department's regulations; and,

IT IS FURTHER ORDERED that a copy of this hearing notice shall be served upon Respondent by certified mail addressed to the mailing address last of record at the Insurance Department. *See*, RSA 400-A:14.

It is **SO ORDERED**.

NEW HAMPSHIRE INSURANCE DEPARTMENT

Date: 5/1/2020

  
Christopher Nicolopoulos, 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 41 Old Sawmill Road, Kingston, MA 02364-2161, 73 Waldron Road, Braintree, MA 02184, and by email to: mrlogan5@hotmail.com, these being his last mailing addresses on file with the Department.

Date: 5/1/20

  
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Joshua Hilliard, Esq.