

JANET T. MILLS
ATTORNEY GENERAL



STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

REGIONAL OFFICES
84 HARLOW ST. 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

415 CONGRESS ST., STE. 301
PORTLAND, MAINE 04101
TEL: (207) 822-0260
FAX: (207) 822-0259

14 ACCESS HIGHWAY, STE. 1
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

TEL: (207) 626-8800
TTY USERS CALL MAINE RELAY 711

June 30, 2016

Thomas Record, Esq.
Attn: Elena Crowley
BUREAU OF INSURANCE
MAINE DEPT. OF PROFESSIONAL & FINANCIAL REGULATION
34 State House Station
Augusta, ME 04333-0034

Mark Randlett, Esq.
OFFICE OF THE ATTORNEY GENERAL
6 State House Station
Augusta, ME 04333-0006

RE: In Re Michael A. Anderson, Docket No. INS-06-215

Dear Messrs. Record and Randlett:

On behalf of the Maine Bureau of Insurance Advocacy Panel, please find enclosed for filing in the above-referenced matter *Opposition to Mr. Anderson's Request to Testify Remotely*.

A copy of this filing has been served today upon Mr. Anderson by first class U.S. Mail, postage prepaid & via email.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Colin W. Hay'.

COLIN W. HAY
Assistant Attorney General

Enclosure
cc: Michael A. Anderson (w/encl.)

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

IN RE:	Michael A. Anderson)	
)	
)	Opposition to Mr. Anderson's
)	Request to Testify Remotely
Docket No. INS-16-215)	
)	

I. INTRODUCTION

On June 17, 2016, Superintendent Cioppa issued an Order denying Michael A. Anderson's ("Mr. Anderson") application for a Maine nonresident insurance producer license (the "Order"). On June 20, 2016, Mr. Anderson, by email, requested a hearing in response to the Order. In the email, Mr. Anderson also requested that he be able to testify remotely, by telephone or video conferencing technology. As grounds for his request, Mr. Anderson stated that he is a resident of Yakima, Washington, and travel to Maine for the hearing would be expensive and burdensome. For the reasons set forth in more detail below, the Bureau of Insurance Advocacy Panel opposes Mr. Anderson's request to testify remotely.

II. FACTUAL BACKGROUND

In April, 2016, Mr. Anderson applied for a nonresident insurance producer license in Maine with health authority. On his application, Mr. Anderson disclosed that in 1995, he pled guilty to a felony violation of 18 U.S.C. § 1341, Frauds and Swindles, for his involvement in a fraudulent insurance scheme during his employment at Delta Group Administrators. Mr. Anderson was sentenced to 15 months in prison and two years of supervised release. In his statement explaining the conviction, Mr. Anderson acknowledged that he was aware of the scheme while working at Delta Group, but continued to work there for personal and financial reasons. The Superintendent denied Mr. Anderson's application in accordance with 24-A

M.R.S. § 1420K(1)(H) in light of Mr. Anderson's conduct in connection with the fraudulent insurance scheme.

III. ARGUMENT

Mr. Anderson's request to testify by remote means should be denied as his credibility, which is best evaluated through in-person testimony, is central to the determination of whether he is fit for licensure in the State of Maine. As set forth in the Order, the Superintendent found that, while Mr. Anderson's felony conviction itself could not be directly considered in connection with his license application, per 5 M.R.S. § 5303, the conduct underlying the conviction, i.e. his involvement in an insurance fraud scheme, was sufficiently severe to warrant denying Mr. Anderson's application. The Superintendent further found that Mr. Anderson had not met his burden of demonstrating that he has been sufficiently rehabilitated to warrant the public trust, as required by 5 M.R.S. § 5302(1).

The central issue for this hearing will be whether Mr. Anderson is sufficiently rehabilitated from the conduct underlying his felony conviction to warrant the public trust in his ability to negotiate, solicit, and sell health insurance products to Maine consumers and businesses in compliance with Maine law. The evaluation of this issue necessarily involves a determination of Mr. Anderson's credibility. This credibility determination will be significantly hampered should Mr. Anderson testify only by remote means. Due to the severity of the underlying conduct, and the centrality of Mr. Anderson's credibility to the ultimate determination of fact, it is imperative that Mr. Anderson testify in person at the hearing.

The Advocacy Panel recognizes that requiring in-person testimony places a modest burden on Mr. Anderson. It is Mr. Anderson, however, that seeks Maine licensure. In these

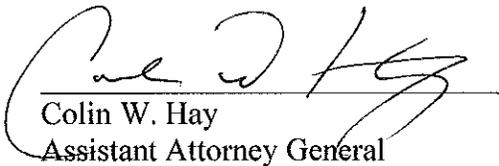
circumstances, any potential burden of travel to Maine is justified in order to protect the public in this matter of significant State interest.

Given the expense of cross-country travel on short notice, the Advocacy Panel would consent to postponing the hearing to give Mr. Anderson adequate time to make reasonable travel arrangements. However, based on the nature of Mr. Anderson's conduct that led to his criminal conviction, it is essential that Mr. Anderson testify in person to ensure that the Hearing Officer can properly evaluate, through a live testimonial hearing, whether Mr. Anderson has been sufficiently rehabilitated to warrant the public trust.

IV. CONCLUSION

Mr. Anderson has the burden to demonstrate that he has been sufficiently rehabilitated to warrant the public trust to negotiate, solicit, and sell health insurance products to Maine consumers and businesses. In the absence of in-person testimony, it will be difficult for the Hearing Officer to evaluate Mr. Anderson's credibility, and consequently, whether he has, in fact, been sufficiently rehabilitated to properly perform the insurance producer licensing responsibilities in compliance with Maine law. Accordingly, Mr. Anderson's request to testify remotely should be denied.

June 30, 2016



Colin W. Hay
Assistant Attorney General

Attorney for the
Bureau of Insurance Advocacy Panel