

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

**IN RE:**

**RICHARD H. WALLS**

**Docket No. INS-02-782**

**DECISION AND ORDER  
REVOKING  
INSURANCE PRODUCER  
LICENSE**

**INTRODUCTION**

1) This matter is before the Superintendent of Insurance, after notice and opportunity for hearing, pursuant to a Petition to REVOKE the nonresident insurance producer license of Richard H. Walls, dated August 13, 2002, and filed by the Staff of the Maine Bureau of Insurance.

2) The Maine Insurance Code (the "Code") regulates persons who offer or sell insurance products in the State of Maine. The Superintendent of Insurance has jurisdiction over this matter pursuant to the Insurance Code generally, Title 24-A Maine Revised Statutes Annotated, and in particular, 24-A M.R.S.A. §§211, 220, 1417, and 1420-K.

**FINDINGS OF FACT**

3) Richard H. Walls is licensed in Maine as an insurance sales person ("producer"). His current license authority is for Life and Health insurance. His license number in Bureau records is PRN 04298.

4) Mr. Walls's last known business address, as reflected in Bureau records, is:

Richard H. Walls  
Visionary Financial Concepts  
PO Box 53488  
Lubbock, TX 79453

5) In June of 2002, Mr. Walls was convicted of the following criminal offenses in Maine Superior Court, Franklin County, under Docket Number CR-01-141:

Count 1 - Class C - Sale of unregistered securities  
32 M.R.S.A. §§ 10401 and 10604  
Count 2 - Class C - Unlicensed sale of securities

32 M.R.S.A. §10301

Count 3 - Class C - Violation of an Order of the Securities Administrator

32 M.R.S.A. §10604

Count 4 - Class C - Fraud and deception in the sale of securities

32 M.R.S.A. §10201 and 10604

6) The Bureau provided notice to Mr. Walls of the Petition to revoke, and opportunity for hearing, by certified mail, return receipt. The Bureau received the return receipt for this documentation, evidencing delivery on August 15, 2002 to the above referenced address.

7) Mr. Walls has not requested a hearing on this matter, and the time period allotted for the filing of any such request has expired.

### **CONCLUSIONS OF LAW**

#### **CRIMINAL CONVICTION AS STATUTORY BASIS FOR REVOCATION**

8) Under 24-A M.R.S.A. §1417 and §1420-K(1)(F), the superintendent may, after notice and opportunity for hearing, revoke a producer's license based upon a conviction in court of any offense under Title 5 M.R.S.A. §5301, which includes among the convictions for which such actions are authorized, "Convictions for which incarceration for one year or more may be imposed."

9) Mr. Walls's convictions as referenced above each constitute a conviction for which incarceration for one year or more may be imposed, and the convictions have occurred within the time limits established under 5 M.R.S.A. §5303.

10) Mr. Walls's convictions establish statutory grounds for revoking his producer license under 24-A M.R.S.A. §1417 and §1420-K(1)(F).

#### **FEDERAL PROHIBITION BASED UPON PRIOR FELONY CONVICTION INVOLVING DISHONESTY OR BREACH OF TRUST**

11) Title 18 United States Code §1033 prohibits any individual who has ever been convicted of a felony involving dishonesty or breach of trust from engaging in or participating in the business of insurance unless the person has secured a waiver from an appropriate insurance regulatory official, and provides for Federal criminal and civil penalties for violations of this prohibition.

12) Mr. Walls's convictions involve dishonesty or breach of trust. The Bureau's records therefore reflect that, lacking a specific waiver from this prohibition, Mr. Walls is prohibited from engaging or participating in the

business of insurance under 18 USC §1033, and accordingly is, under Federal law, ineligible to maintain an insurance producer license under State law.

### **ORDER REVOKING LICENSE of Richard H. Walls**

The Superintendent of Insurance, after notice and opportunity for hearing, hereby finds that Richard H. Walls has been convicted of criminal offenses which constitute statutory grounds for revoking his producer license under the Maine Insurance Code as specifically stated in the above Findings of Fact and Conclusions of Law, and that, due to the nature of the convictions, Richard H. Walls is, under Federal law, ineligible to maintain an insurance producer license under State law.

Therefore, the insurance producer license of **Richard H. Walls**, # PRN 04298, is hereby **REVOKED** pursuant to 24-A M.R.S.A. §1417 and 24-A M.R.S.A. §1420-K.

The effective date of this Order is September 23, 2002.

### **NOTICE OF APPEAL RIGHTS**

This Decision and Order is a final agency action of the Superintendent of Insurance within the meaning of the Maine Administrative Procedures Act. It is appealable to the Superior Court in the manner provided in 24-A M.R.S.A. §236, 5 M.R.S.A. §11001, *et seq.*, and M.R.Civ.P. 80C. Any party to the proceeding may initiate an appeal within thirty (30) days after receiving this notice. Any aggrieved non-party whose interests are substantially and directly affected by the Decision and Order may initiate an appeal within forty (40) days of the issuance of this Decision and Order. There is no automatic stay pending appeal; application for stay may be made in the manner provided in 5 M.R.S.A. §11004.

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ALESSANDRO A. IUPPA  
Superintendent, Maine Bureau of  
Insurance