

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

IN RE:

**ANTOINETTE P. ST. HILAIRE
National Producer # 7661274**

Docket No. INS 06-500

**DECISION AND ORDER
REVOKING
INSURANCE ADJUSTER
LICENSE**

INTRODUCTION

1) This matter is before the Superintendent of Insurance, after notice and opportunity for hearing, pursuant to a Petition to REVOKE the resident insurance producer license of Antoinette P. St. Hilaire, dated January 5, 2006, and filed by the Staff of the Maine Bureau of Insurance.

2) The Maine Insurance 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) Antoinette P. St. Hilaire was first licensed in Maine as a resident insurance producer on April 17, 2003. Her license number in Bureau records is PRR 94400. Her National Producer Registry Number is 7661274. Effective April 13, 2005, she voluntarily surrendered her license.

4) Ms. St. Hilaire's last known address is:

2424 Hotel Road
Auburn, ME 04210

5) Ms. St. Hilaire's last business address of record, as specified in the Bureau of Insurance license records, is:

Cross Insurance
217 Main Street
Lewiston, ME 04240

6) In December of 2005, Ms. St. Hilaire was convicted of a Class C criminal offense of Theft in Maine Superior Court, Androscoggin County, Docket Number CR-05-53.

7) The Bureau provided notice by U.S. Mail to Ms. St. Hilaire of the Petition to revoke, and provided opportunity for hearing, directed to the above addresses on January 5, 2006 in accordance with the requirements of 24-A M.R.S.A. §213.

8) Ms. St. Hilaire 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

9) 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."

10) Ms. St. Hilaire's Class C conviction of Theft constitutes a conviction for which incarceration for one year or more may be imposed, and the conviction occurred within the time limits established under 5 M.R.S.A. §5303.

11) Ms. St. Hilaire's Class C conviction of Theft establishes statutory grounds for revoking her producer license under 24-A M.R.S.A. §1417 and §1420-K(1)(F).

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

12) 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 (written consent) from an appropriate insurance regulatory official, and provides for Federal criminal and civil penalties for violations of this prohibition.

13) Ms. St. Hilaire's conviction involves dishonesty or breach of trust. A Class C offense under Maine law is within the category of offenses referred to by the Federal statute's reference to a felony. The Bureau's records therefore reflect that, lacking a specific waiver from this prohibition, Ms. St. Hilaire is prohibited under Federal law from engaging or participating in the business of insurance under 18 USC §1033, and accordingly is ineligible to maintain an insurance producer license under State law.

EFFECT OF VOLUNTARY TERMINATION

14) As specified in Paragraph 3 above, Ms. St. Hilaire voluntarily surrendered her license April 13, 2005, which was during the pendency of the criminal proceeding.

15) Under 24-A M.R.S.A. §1417(3), the Superintendent may, after notice and opportunity for hearing, deem the license suspended or revoked of a previously licensed person who voluntarily surrendered an insurance license.

ORDER REVOKING LICENSE of Antoinette P. St. Hilaire

The Superintendent of Insurance, after notice and opportunity for hearing, hereby finds that Antoinette P. St. Hilaire has been convicted of a criminal offense which constitutes statutory grounds for revoking her producer license under the Maine Insurance Code as more specifically stated in the above Findings of Fact and Conclusions of Law.

Therefore, Maine resident insurance producer license # PRR 94400, which **Antoinette P. St. Hilaire** previously held and voluntarily surrendered, is hereby deemed **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 February 15, 2006.

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.

ALESSANDRO A. IUPPA
Superintendent, Maine Bureau of
Insurance