

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

IN RE:

**TREVOR D. LOSSE
National Producer # 8610558
Maine License # PRN 131149**

Docket No. INS-08-300

**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 Trevor D. Losse, dated March 7, 2008, 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, 1417, 1420-E and 1420-K.

FINDINGS OF FACT

3) Trevor D. Losse has been licensed in Maine as a nonresident insurance producer since September 12, 2006. His license number in Bureau records is PRN 131149. His National Producer Registry Number is 8610558.

4) Mr. Losse's last known business address, as specified in Bureau of Insurance license records, is:

3613 LK WA BLVD N, RENTON, WA 98056

5) On the application form electronically filed for his Maine license, the first background question asked: "Have you ever been convicted of, or are you currently charged with, committing a crime, whether or not adjudication was withheld?"

- 6) Mr. Losse responded "No" to that question, accompanied by his Certification and Attestation that the responses to questions on the application were true and complete.
- 7) Bureau staff routinely approved and issued Mr. Losse's license, based upon and in reliance upon the information contained in his application.
- 8) On December 6, 2007, a member of the Bureau staff wrote to Mr. Losse, indicating that the Bureau had recently received notice through the National Association of Insurance Commissioners that Mr. Losse had been the subject of an administrative action in California, which he had failed to report to the Maine Bureau as required by the Maine Insurance Code.
- 9) Mr. Losse's response to the December 6 letter, which the Bureau received December 20, 2007, indicated that the California action was a denial of his license on October 15, 2007 due to criminal issues. He included documentation of the criminal matter, of which the Bureau was previously unaware, and which consisted of convictions in 2002 on two counts of Unlawful Issuance of Checks or Drafts, in violation of Title 9A, Washington Criminal Code, § 9A.56.060. The checks in question were for the purchase of two snowmobiles, and totalled \$2,967.14.
- 10) The Bureau provided notice by both U.S. regular and Certified Mail to Mr. Losse of the Petition to revoke dated March 7, 2008, and provided opportunity for hearing, directed to his business address of record, in accordance with the requirements of 24-A M.R.S.A. §213.
- 11) Mr. Losse 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

FAILURE TO DISCLOSE CRIMINAL CONVICTIONS IN LICENSE APPLICATION

- 12) The application form's disclosure questions specifically require disclosure of criminal matters. Mr. Losse obtained his license based in part upon incorrect, misleading, incomplete or materially untrue information which he provided in his Maine application for nonresident producer licensing, by failing to disclose the 2002 convictions.
- 13) The provision of incorrect, misleading, incomplete or materially untrue information in a license application constitutes grounds for revocation of Mr. Losse's license, under 24-A M.R.S.A. §§ 1420-E and 1420-K(1)(A).

CRIMINAL CONVICTIONS AS STATUTORY BASIS FOR REVOCATION

14) 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."

15) The offenses of which Mr. Losse was convicted constitute convictions for which incarceration for one year or more may be imposed. According to the court documents Mr. Losse was not discharged from the criminal justice system until May 2005. Therefore, these convictions, and Mr. Losse's discharge from the criminal justice system, were within the time limits under 5 M.R.S.A. §5303 to also have established statutory grounds for denying the issuance of the license when he applied in 2006, had the Bureau been aware of them.

LICENSE ACTIONS IN OTHER STATES

16) The Superintendent may, after notice and opportunity for hearing, revoke a producer's license under 24-A M.R.S.A. §1420-K(1)(I), based upon "having an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory."

17) As indicated in Paragraph 9 above, the State of California denied Mr. Losse's insurance producer license in October 2007, which constitutes independent grounds for action against his Maine license under §1420-K(1)(I).

ORDER REVOKING LICENSE of TREVOR D. LOSSE

The Superintendent of Insurance, after notice and opportunity for hearing, hereby finds grounds to revoke Trevor D. Losse's Maine nonresident insurance producer license, as more specifically stated in the above Findings of Fact and Conclusions of Law.

Therefore, the insurance producer license of **Trevor D. Losse**, # PRN 131149, is hereby **REVOKED** pursuant to 24-A M.R.S.A. §§1417, 1420-E and 1420-K.

The **effective date** of this Order is the date of the Superintendent's signature below.

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.

MILA KOFMAN
SUPERINTENDENT OF INSURANCE