



COMMONWEALTH OF MASSACHUSETTS
Office of Consumer Affairs and Business Regulation
DIVISION OF INSURANCE

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(617) 521-7794 • FAX (617) 521-7475
<http://www.mass.gov/doi>

CHARLES D. BAKER
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ECONOMIC DEVELOPMENT

JOHN C. CHAPMAN
UNDERSECRETARY

DANIEL R. JUDSON
COMMISSIONER OF INSURANCE

December 6, 2016

Harvey Public Insurance Adjusters
C/O Neil Harvey
697 Hartford Turnpike
Shrewsbury, MA 01520

RE: Harvey Public Insurance Adjusters– Massachusetts License No. 2013774
SIU Investigation No. 9083

VIA First Class Mail & E-Mail

Dear Mr. Harvey:

I represent the Massachusetts Division of Insurance (“Division”) with regard to the above-captioned investigation. Pursuant to an investigation conducted by the Division’s Special Investigations Unit, the Division has cause to believe that Harvey Public Insurance Adjusters (“VSC”) violated the Massachusetts insurance laws set forth below by the conduct detailed in this settlement letter.

This case was opened on March 26, 2015, after the Division discovered that Harvey Public Insurance Adjusters was acting as public insurance adjuster without being properly licensed. Further investigation determined that Harvey Public Insurance Adjusters entered into 40 contracts for adjustment services.

The conduct described above is evidence of the following violations:

M.G.L. c. 175, § 172 . . . Whoever acts in the commonwealth as a public insurance adjuster, as defined in section 162 without a license or during a suspension of his license, or in violation of this section, shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than 6 months.

M.G.L. c. 176D, §2 – No person shall engage in this commonwealth in any trade practice which is defined in this chapter as, or determined pursuant to section six of this chapter to be, an unfair method of competition or an unfair or deceptive act or practice in the business of insurance. A violation is punishable by a fine up to one thousand dollars. M.G.L. c. 176D, § 7.

M.G.L. c. 175, § 162R (a)(2) . . . [t]he commissioner may place on probation, suspend, revoke or refuse to issue or renew an insurance producer's license or may levy a civil penalty for . . . violating any insurance laws. Additionally, a violation is punishable by a fine up to one thousand dollars. M.G.L. c. 176D, § 7.

The Division is authorized to issue an order requiring you to show cause as to why Harvey Public Insurance Adjusters should not be made to cease and desist from the above alleged conduct. If, after a public hearing, the Commissioner of Insurance finds that Harvey Public Insurance Adjusters did commit the alleged violations, he may impose a fine up to the amounts listed above and order that your Massachusetts Insurance Producer License be placed on probation, suspended or revoked.

The Division proposes to resolve this matter through a settlement if you agree to waive the right to a public hearing, agree to cease and desist from the above-alleged conduct and agree to pay a **fine of \$250.00**. If you choose to accept the Division's offer, please have an authorized individual sign this settlement letter where provided below and return it to my attention along with a check made payable to the Commonwealth of Massachusetts, no later than **December 22, 2016**.

The Division considers the acceptance of this settlement to constitute a reportable administrative event which should be included on your next Massachusetts producer license renewal application. You also may be required to report this action in other jurisdictions where you hold an insurance producer license. This Agreement shall be construed under and governed by the laws of the Commonwealth of Massachusetts.

Although this correspondence does not constitute the required statutory notice of a public hearing, if this matter is not resolved by **December 22, 2016**, the Division intends to file its Order to Show Cause and will notify you of the hearing date.

Thank you for your prompt attention to this matter. Should you have any questions or wish to discuss this matter further, I may be reached at (617) 521-7471 or Scott.Peary@state.ma.us.

Sincerely,

Scott J. Peary
Chief Enforcement Counsel

Enclosure



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SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made by and between the Commonwealth of Massachusetts, Division of Insurance (“Division”), and Harvey Public Insurance Adjusters, licensed as a Public Insurance Adjuster under the laws of the Commonwealth of Massachusetts (“Commonwealth”) and with an address of 697 Hartford Turnpike, Shrewsbury, MA 01520.

WHEREAS, Harvey Public Insurance Adjusters was licensed by the Division as an insurance producer pursuant to M.G.L. c. 175, § 162H *et seq.*;

WHEREAS, an insurance producer licensed in the Commonwealth must uphold the standards in M.G.L. c. 175, § 162H *et seq.* and must comply with the Commonwealth’s insurance laws, including without limitation, those set forth in M.G.L. c. 175 & M.G.L. c. 176D; the Code of Massachusetts Regulations; and any other regulatory requirements; each of which give the Commissioner of Insurance review, approval, and enforcement authority over licensees;

WHEREAS, the Division has conducted an investigation, Special Investigation Number 9083, and contends that the acts and conduct of Harvey Public Insurance Adjusters as set forth in the Division’s correspondence dated December 6, 2016, a copy of which is attached hereto, constitute grounds for revocation of Harvey Public Insurance Adjusters insurance license and the imposition of fines;

WHEREAS, Harvey Public Adjusters denies any wrongdoing, as set forth in its correspondence to the Division dated November 14, 2016, a copy of which is attached hereto;

WHEREAS, Harvey Public Insurance Adjusters is aware of its rights to notice and to an administrative hearing with respect to the alleged violations of Massachusetts insurance laws in these matters, and hereby waives those rights.

NOW THEREFORE, in consideration of the foregoing and the covenants, warranties, representations, and agreements contained herein, it is mutually agreed as follows:

1. Harvey Public Insurance Adjusters agrees to immediately cease and desist from the conduct outlined in the Division's December 6, 2016 correspondence.

2. Harvey Public Insurance Adjusters agrees to pay a \$250.00 fine by December 22, 2016. Such check shall be made payable to the Commonwealth of Massachusetts and returned, along with an original signed version of the instant settlement agreement, to:

Massachusetts Division of Insurance
C/O Scott Peary, Chief Enforcement Counsel
1000 Washington Street, Suite 810
Boston, MA 02118

3. Except as expressly set forth in this Agreement, the failure of the Division at any time to require strict performance by Harvey Public Insurance Adjusters of any terms, provisions, or conditions hereof shall in no way affect the right thereafter to enforce the same, nor shall the waiver by the Division of any breach of any of the terms, provisions, and conditions hereof be construed or deemed a waiver of any succeeding breach of any term, provision, or condition thereof.

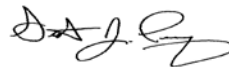
4. In the event that the Division finds that there has been a breach of any provision of this Agreement, the Division may, in its discretion, pursue any and all legal remedies permitted by the Massachusetts insurance laws as well as any other appropriate law of the Commonwealth.

5. The provisions of this Agreement may be amended, modified, or expanded solely in writing by joint consent of the Division and Harvey.

SIGNED:

Neil Harvey
Harvey Public Insurance Adjusters

Dated: _____



Commonwealth of Massachusetts
Division of Insurance
Scott Peary
Chief Enforcement Counsel

Dated: December 6, 2016