



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

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<http://www.mass.gov/doi>

CHARLES D. BAKER
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ECONOMIC DEVELOPMENT

JOHN C. CHAPMAN
UNDERSECRETARY

DANIEL R. JUDSON
COMMISSIONER OF INSURANCE

November 14, 2016

David L. Murphy Insurance Agency, Inc
C/O David Murphy
412 Liberty Square
Danvers, MA 01923

RE: David L. Murphy Insurance Agency, Inc– Massachusetts License No. 1782221
SIU Investigation No. 9192B

VIA First Class Mail & E-Mail

Dear Mr. Murphy:

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 David L. Murphy Insurance Agency, Inc violated the Massachusetts insurance laws set forth below by the conduct detailed in this settlement letter.

This case was opened on February 12, 2016, after the Division discovered that David L. Murphy Insurance Agency, Inc., engaged in the sale, solicitation or negotiation of insurance in Massachusetts without being duly licensed. During this time, David L. Murphy Insurance Agency, Inc., sold approximately 841 policies.

The conduct described above is evidence of the following violations:

M.G.L. c. 175, § 162I – A person shall not sell, solicit or negotiate insurance in the commonwealth for any class or classes of insurance unless the person is licensed for that line of authority. A violation is punishable by a fine up to \$500. M.G.L. c. 175, § 194.

M.G.L. c. 175, § 175 ... Whoever, not being duly licensed as an insurance agent or broker or as an adjuster of fire losses, represents or holds himself out to the public as being such an agent, broker, or adjuster, or as being engaged in the insurance business, by means of advertisements, cards, circulars, letterheads, signs, or other methods, or whoever, being duly licensed as such agent, broker, or adjuster, advertises as aforesaid or carries on such business in any other name than that stated in his license, shall be punished by a fine of not less than ten nor more than one hundred dollars.

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 David L. Murphy Insurance Agency, Inc should not be made to cease and desist from the above alleged conduct. If, after a public hearing, the Commissioner of Insurance finds that David L. Murphy Insurance Agency, Inc 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 \$1,050.00**. 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 14, 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 14, 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 David L. Murphy Insurance Agency, Inc, licensed as an insurance producer licensed under the laws of the Commonwealth of Massachusetts (“Commonwealth”) and with an address of 412 Liberty Square, Danvers, MA 01923.

WHEREAS, David L. Murphy Insurance Agency, Inc 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 0, and contends that the acts and conduct of David L. Murphy Insurance Agency, Inc as set forth in the Division’s correspondence dated November 14, 2016, a copy of which is attached hereto, constitute grounds for revocation of David L. Murphy Insurance Agency, Inc’s insurance license and the imposition of fines;

WHEREAS, David L. Murphy Insurance Agency, Inc 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. David L. Murphy Insurance Agency, Inc agrees to immediately cease and desist from the conduct outlined in the Division’s November 14, 2016 correspondence.
2. David L. Murphy Insurance Agency, Inc agrees to pay a \$1,050.00 fine by December 14, 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 David L. Murphy Insurance Agency, Inc 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 Murphy.

SIGNED:

David Murphy
David L. Murphy Insurance Agency, Inc



Commonwealth of Massachusetts
Division of Insurance
Scott Peary
Chief Enforcement Counsel

Dated: _____

Dated: November 14, 2016