

DATE: October 18, 2004
Docket No. E2004-16

Division of Insurance, Petitioner
v.
Richard L. Brown, Respondent
Docket No. E2004-16

Order on Appeal

On September 22, 2004, a hearing officer in the Division of Insurance issued a *Decision and Order* (“*Decision*”) in the above-captioned matter. The *Decision* imposed a fine on Richard L. Brown (“Brown”) for failure to provide correct information on four applications to be appointed as an insurance agent. It also advised Brown that he could appeal to me pursuant to the terms of G.L. c. 26, §7. That statute allows a person aggrieved by a decision issued following a hearing held by a person other than the commissioner of insurance to appeal to the commissioner. By letter dated October 1, 2004, Brown asked me to review the docket file and either to overturn the *Decision* or substantially to reduce the fine imposed therein.

G.L. c. 26, §7 requires that appeals be filed within three days after the decision is filed, or within such further period as the commissioner may allow in a particular case. The Division sent the *Decision* to Brown by certified mail; the return receipt indicates that he received it on September 23. Brown’s appeal is dated October 1, and was received at the Division on October 5, thirteen days after the *Decision* was filed. Although Brown did not offer any specific reasons why, in the circumstances of this case, the period for filing an appeal should be enlarged, I have chosen, nevertheless, to review Brown’s position as

set out in his claim of appeal. Brown has advanced no argument or statement which persuades me that I should modify or reverse the hearing officer's *Decision*, and based on my review of the record, the *Decision* should be affirmed. Accordingly, I affirm the *Decision*.

Dated: October 18, 2004

Julianne M. Bowler
Commissioner of Insurance

Pursuant to G. L. c. 30A, §14, this decision may be appealed to Superior Court.