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**Office of Consumer Affairs and Business Regulation**  
**DIVISION OF INSURANCE**

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**Division of Insurance, Petitioner**  
**v.**  
**Kazimieras V. Stasiukevicius, Respondent**  
**Docket No. E2013-02**

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**Decision and Order**

***Introduction and Procedural History***

On January 16, 2013, the Division of Insurance (“Division”) filed an order to show cause (“OTSC”) against Kazimieras V. Stasiukevicius, (“Stasiukevicius”). Stasiukevicius was first licensed as an individual Massachusetts insurance producer effective October 28, 2003; in 2012 he failed to renew his license and it was therefore terminated on June 24, 2012. The Division alleges that Stasiukevicius, who was admitted to the Bar of the Commonwealth of Massachusetts on December 20, 1989, was placed on disability inactive status by the Supreme Judicial Court on December 15, 1997, and subsequently was the respondent in a petition for discipline by the Massachusetts Board of Bar Overseers (“BBO”) initiated in 2008.

The Division alleges that Stasiukevicius failed to disclose the BBO disciplinary action on his producer license renewal application dated June 23, 2009. Further, the Division alleges, after Stasiukevicius was placed on disability inactive status and thereby prohibited from practicing law in Massachusetts, he continued to hold himself out as a licensed attorney on applications for employment submitted to legal staffing organizations and a law firm.

The Division argues that, by answering “No” to the question on the producer license renewal application that asks if the applicant has ever been involved in an administrative proceeding regarding any professional license, Stasiukevicius engaged in conduct that supports revocation of his Massachusetts producer license pursuant to the provisions of Massachusetts

General Laws Chapter ("Chapter") 175, §162R (a)(1) and (a)(3). Those statutory provisions permit the Commissioner of Insurance ("Commissioner") to take disciplinary action if a licensee has provided incorrect, misleading, incomplete or materially untrue information on a license application or has obtained an insurance license through misrepresentation or fraud.

The Division further argues that the actions that resulted in the BBO's disciplinary action against Stasiukevicius, holding himself out as a lawyer licensed to practice in Massachusetts and engaging in legal or paralegal work while on disability inactive status, support a third basis for imposing discipline against Stasiukevicius under Chapter 175, §162R (a)(8). That subsection permits such action if the licensee has engaged in dishonest practices or demonstrated incompetence, untrustworthiness and financial irresponsibility in the conduct of business in the Commonwealth or elsewhere. The Division seeks revocation of Stasiukevicius's license and orders requiring him to dispose of any insurance-related interests in Massachusetts, prohibiting him from conducting any insurance business in the Commonwealth, and imposing fines for the alleged violations.

A Notice of Procedure ("Notice") was issued on January 16, 2013, scheduling a prehearing conference for February 5, 2013 and a hearing for February 19, 2013. The Notice further advised Stasiukevicius that the hearing would be conducted pursuant to Chapter 30A and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.00, *et seq.* It advised him to file an answer pursuant to 801 CMR 1.01(6)(d) and that, if he failed to do so, the Division might move for an order of default, summary decision or decision on the pleadings granting it the relief requested in the OTSC. It also informed Stasiukevicius that, if he failed to appear at the prehearing conference or hearing, an order of default, summary decision or decision on the pleadings might be entered against him. The Commissioner designated me as presiding officer for this proceeding.

The Division served Stasiukevicius by mailing copies of the Notice and OTSC by certified mail to him at two addresses on the Division's licensing data base: 11 Roberts Road, Wellesley Hills, MA 02481 (business and mailing address) and 10 Walpole Green, East Walpole, MA 02032 (residential address.) It also sent copies by certified mail to a third address, 17 Pilgrim Way, East Walpole MA 02032, that had been obtained by the Division's Special Investigation Unit. Copies of the OTSC and Notice were also sent by first-class mail, postage prepaid, to Stasiukevicius at each of those three addresses.

Stasiukevicius failed to file an answer or other response to the OTSC. On February 5, 2013, a prehearing conference was held pursuant to 801 CMR 1.01(10)(a). Mary Lou Moran, Esq. appeared for the Division. Neither Stasiukevicius nor any person representing him appeared. Ms. Moran reported that she had received no communication from the Respondent or from any person purporting to represent him. She stated that the mailing addressed to Respondent at his business address in Wellesley had been returned to the Division, with the notation that it could not be forwarded, but that the mailings addressed to Respondent in East Walpole had not been returned.

Following the prehearing conference, the Division filed its motion for summary decision. On the same date, I issued an order advising Stasiukevicius to file any response to the motion by February 18, 2013, and stating that any argument on the motion would be heard on February 19, 2013, at 10:00 a.m., the time initially set for the evidentiary hearing. Stasiukevicius filed no response to the Division's motion and did not appear at the February 19, 2013 hearing. At that hearing, Ms. Moran stated that neither the respondent nor any person representing him had communicated with her.

***Finding of Default***

On the basis of the record before me, I conclude that the Division took appropriate actions to ensure proper service, and that sufficient service was made. Even though one set of documents sent to Stasiukevicius by certified mail and regular mail was returned to the Division, the two sets sent to his residential address as shown on the Division's database and a second address obtained by the Division were not returned. I conclude that Stasiukevicius's failure to appear at the prehearing conference or at the hearing support a finding that he is in default.

By his default, Stasiukevicius has waived his right to proceed further with an evidentiary hearing in this case and I may consider the Division's motion for summary decision based on the record. That record consists of the OTSC and the following documents attached to it as Exhibits 1-7: 1) Stasiukevicius's licensing record from the Division's licensing database ("CLARIS"); 2) Massachusetts Board of Bar Overseers Attorney Status report, as of January 16, 2013; 3) Board of Bar Overseers Petition for Discipline against Stasiukevicius, dated October 31, 2008; 4) Stasiukevicius's answer to the Petition for Discipline and Stipulation; 5) Information relating to Stasiukevicius filed by the Board of Bar Overseers with the Supreme Judicial Court on November 20, 2008; 6) Order of Term Suspension against Stasiukevicius, entered December 4,

2008; 7) Stasiukevicius's application to renew his Massachusetts individual producer license, dated June 23, 2009.

***Findings of Fact***

On the basis of the record, I find the following facts.

1. Stasiukevicius was first licensed as a Massachusetts resident individual producer for life and health insurance on or about October 28, 2003.
2. Stasiukevicius renewed his producer license through OLLIE, the Division's on-line licensing system, on or about June 23, 2009.
3. On his renewal application, Stasiukevicius answered "No" to Question 2 which asks, in brief, whether the applicant has been named or involved as a party in an administrative proceeding regarding any professional or occupational license.
4. Stasiukevicius was admitted to the Bar of the Commonwealth of Massachusetts on December 20, 1989.
5. On December 15, 1997, Stasiukevicius was placed on disability inactive status pursuant to Massachusetts Supreme Judicial Court Rule 4:01, §13 (3).
6. Pursuant to Supreme Judicial Court Rule 4 4:01, §17 (3) and (7), an attorney who has been placed on disability inactive status is prohibited from engaging in legal or paralegal work, and no lawyer or law firm may knowingly employ or engage such a person in any legal capacity.
7. On August 21, 2008, on the petition for discipline filed by counsel for the Bar, the Supreme Judicial Court removed Stasiukevicius from disability inactive status and temporarily suspended him from the practice of law.
8. As grounds for the suspension, the petition stated that on three separate occasions between September 2006 and May 2007 Stasiukevicius submitted applications for employment to legal staffing services. In the documents, such as application forms, data sheets and resumes that Stasiukevicius submitted to each service, he consistently referred to himself as a licensed attorney although he was in fact on disability inactive status and prohibited from practicing law.
9. In May 2007, Stasiukevicius provided a law firm with a resume in which he held himself out as an attorney and falsely implied that he was licensed to practice law in

Massachusetts; based on his representations the law firm hired him from May 2007 through March 2008.

10. In his answer to the petition for discipline, Stasiukevicius admitted to the truth of the allegations in the petition and admitted that he had violated the rules as set forth in the petition.
11. On December 4, 2008, by order of the Supreme Judicial Court, Stasiukevicius was suspended from the practice of law for a period of a year and a day retroactive to the date of his temporary suspension.

### ***Discussion and Analysis***

Because Stasiukevicius did not seek to renew his insurance producer's license in 2012, it was terminated as of June 24, 2012. The Commissioner's authority to take disciplinary action is not limited, however, to those who hold active licenses. Chapter 175, §162R (e) authorizes the Commissioner to enforce the provisions of the licensing statutes and to impose remedies or penalties pursuant to those statutes, even if a respondent no longer holds an active license.

801 CMR 1.01 (7)(h) allows a party to an adjudicatory hearing, when he or she is of the opinion that there is no genuine issue of fact relating to a claim, and that he or she is entitled to prevail as a matter of law, to file a motion for summary decision, with or without supporting affidavits. The Division bases its motion for summary decision on respondent's failure to file an answer to the OTSC and failure to appear at the scheduled prehearing conference. I find that respondent's failure to comply with the directives in the Notice warrant a finding that he is in default. No genuine issue of fact has been raised in connection with the Division's claims, and I find that it is entitled to prevail as a matter of law.

Section 162R (a) specifies fourteen grounds on which the Commissioner may suspend or revoke a producer's license. The Division identifies three subsections of §162R (a) as grounds for revocation of Stasiukevicius's license: 1) (a)(1), providing incorrect, misleading, incomplete or materially untrue information in the license application; 2) (a)(3), obtaining a license through misrepresentation or fraud; and 3) (a)(8), using fraudulent, coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in Massachusetts or elsewhere. I find that the record fully supports each of these grounds for revocation.

Disciplinary action under §162R (a)(1) and (a)(3) is fully supported by Stasiukevicius's undisputed failure to report on his producer license renewal application the BBO administrative action against his license to practice law.<sup>1</sup> The Division renewed Stasiukevicius's producer license based on the information on his renewal application that misrepresented his past history by omitting the fact that he had been the subject of that administrative action.<sup>2</sup> Prior Division enforcement decisions consistently emphasize the importance of providing complete and accurate information on a license application.

The facts alleged in the BBO's petition for discipline, which Stasiukevicius admitted to in his answer to that petition, fully support disciplinary action under §162R (a)(8). On four occasions Stasiukevicius engaged in fraudulent or dishonest practices by misrepresenting his status as a licensed attorney to legal staffing services and a law firm, all located in Massachusetts. Stasiukevicius committed those violations of the statute while he was licensed as a Massachusetts insurance producer.

On this record, I find that Stasiukevicius's Massachusetts producer license should be revoked, that he should be prohibited from transacting any insurance business, directly or indirectly, in Massachusetts, and that he should be required to dispose of any interest he may have in any insurance business in Massachusetts. Chapter 175, §162R (a) also permits the Commissioner to levy a civil penalty in accordance with Chapter 176D, §7 for violations of the insurance laws and regulations. The maximum penalty permitted under Chapter 176D, §7 is \$1,000 per violation.

Stasiukevicius, by failing to disclose the 2008 BBO administrative proceeding on his 2009 application to renew his insurance producer's license, committed an act that supports the Division's claims for disciplinary action under §162R (a) (1) and (3). License revocation is an appropriate sanction when an applicant fails to comply with his affirmative obligations under the licensing statutes to provide the Division with information that he or she is specifically directed to submit. *See, e.g., Division of Insurance v. Tracy*, E2005-28 (Commenting that the Division is invariably prejudiced when an applicant omits required information because the record on which to make a decision is incomplete); *Division of Insurance v. Cavalari*, E2007-07 (Truthfulness of

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<sup>1</sup> A disciplinary proceeding against a member of the Bar is material to a decision on an application for an insurance license. *See, Doyle v. Division of Insurance*, Docket No. E2004-07.

<sup>2</sup> That a disciplinary action by the BBO is an administrative proceeding that must be reported was confirmed in a prior Division enforcement action, *Division of Insurance v. Downing*, Docket No. E2009-01.

an application is imperative to determine who is an eligible candidate for licensure.) The seriousness of Stasiukevicius's failure to comply with his obligation to provide information to the Division supports imposition of the maximum fine of \$1,000.00.

I find further that, while licensed as a producer, Stasiukevicius committed fraudulent and dishonest practices in the conduct of business, in violation of §162R (a)(8), by misrepresenting his status as a licensed attorney to potential and actual employers. The seriousness of those violations fully supports revocation of his producer license and imposition of the maximum fine for each violation. I therefore impose a fine of \$1,000 for each of Stasiukevicius's four violations of §162R (a)(8.)

**ORDERS**

Accordingly, after due notice, hearing and consideration it is

**ORDERED** That any and all insurance producer licenses issued to Kazimieras V. Stasiukevicius by the Division are hereby revoked; and it is

**FURTHER ORDERED** that Kazimieras V. Stasiukevicius shall return to the Division any licenses in his possession, custody or control; and it is .

**FURTHER ORDERED** that Kazimieras V. Stasiukevicius is, from the date of this order, prohibited from directly or indirectly transacting any insurance business or acquiring, in any capacity whatsoever, any insurance business in the Commonwealth of Massachusetts; and it is

**FURTHER ORDERED** that Kazimieras V. Stasiukevicius shall comply with the provisions of G.L. c. 175, §166B and dispose of any and all interests in Massachusetts as proprietor, partner, stockholder, officer or employee of any licensed insurance producer; and it is

**FURTHER ORDERED** that Kazimieras V. Stasiukevicius shall pay a fine of Five Thousand Dollars (\$5,000) to the Division within 30 days of the entry of this order.

This decision has been filed this 13th day of March 2013, in the office of the Commissioner of Insurance. A copy shall be sent to Stasiukevicius by certified mail, return receipt requested, as well as by regular first class mail, postage prepaid.

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Jean F. Farrington  
Presiding Officer

Pursuant to Chapter 26, §7, this decision may be appealed to the Commissioner of Insurance.