



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

1000 Washington Street • Suite 810 • Boston, MA 02118-6200  
 (617) 521-7794 • FAX (617) 521-7475  
<http://www.mass.gov/doi>

CHARLES D. BAKER  
 GOVERNOR

KARYN E. POLITO  
 LIEUTENANT GOVERNOR

MIKE KENNEALY  
 SECRETARY OF HOUSING AND  
 ECONOMIC DEVELOPMENT

EDWARD A. PALLESCHI  
 UNDERSECRETARY

GARY D. ANDERSON  
 COMMISSIONER OF INSURANCE

**Division of Insurance, Petitioner**  
**v.**  
**Logan Belmore, Respondent**  
**Docket No. E2018-11**

**Decision and Order on Petitioner’s Motion  
 for Entry of Default and Summary Decision**

***Introduction and Procedural History***

On August 23, 2018, the Division of Insurance (“Division”) filed an Order to Show Cause (“OTSC”) against Logan Belmore (“Belmore”) who was a licensed Massachusetts non-resident insurance producer with an active license at the time of filing.<sup>1</sup> The Division seeks orders that Belmore violated Massachusetts insurance law, specifically, M.G.L. c.175 §§ 162R (a)(9), a ground upon which the Commissioner may revoke an insurance producer’s license. The Division further alleges Belmore failed to comply with M.G.L. c.175 §162V (a), a statute requiring a producer to report to the Commissioner any administrative actions taken against his license in other jurisdictions. It requests the revocation of Belmore’s license, imposition of fines, and orders prohibiting him from engaging in the insurance business in Massachusetts and directing him to dispose of any interest he may have in any insurance businesses in Massachusetts.

On August 23, 2018, the Division served the OTSC and a Notice of Action on Belmore by the United States Postal Service (“USPS”) certified mail and regular first class mail to his residential/mailing and business addresses on file in the Division’s licensing records. Belmore

<sup>1</sup> Belmore’s Massachusetts non-resident producer license terminated by operation of law on December 27, 2018 for failure to renew. Pursuant to M.G.L. c. 175, §162R (e), the Commissioner retains the authority to enforce the producer licensing statute against Belmore.

filed no answer or other response to the OTSC. On October 2, 2018, the Division filed a motion for summary decision in its favor against Belmore for failure to answer the OTSC. I issued an order on October 4, 2018 instructing Belmore to file any written response to the Division's motion by October 17, 2018 and scheduling a hearing on the motion for October 19, 2018.

Belmore did not respond to the Division's motion for summary decision. Neither he nor any person purporting to represent him appeared at the hearing on October 19, 2018. Robert J. Kelly, Esq. represented the Division at the hearing. At the hearing, Attorney Kelly stated that he had not been contacted about this matter by Belmore or by any person purporting to represent him. Attorney Kelly indicated that the OTSC served on Belmore by certified mail at his residential/mailling and business addresses were returned to the Division as unclaimed and that the first class mailings of the OTSC were not returned to the Division by USPS.<sup>2</sup>

***Finding of Default***

On the basis of the record before me, I conclude that the Division took appropriate actions to ensure proper service. M.G.L. c. 175, §174A states that notices seeking revocations of producer licenses are deemed sufficient when sent postpaid by registered mail to the last business or residence address of the licensee appearing on the records of the Commissioner. For purposes of giving notice, M. G. L. c. 4, §7, Clause 44 provides that certified mail is equivalent to registered mail. I conclude that service was sufficient and that Belmore's failure to answer the OTSC, to respond to the Division's motion, or to appear at the hearing warrant a finding that he is in default.

By his default, Belmore 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, the Motion for Summary Decision, and eight exhibits: A) Order of Revocation from the Chief Financial Officer of the State of Florida, dated May 8, 2017 and Administrative Complaint in Case No: 204904-17-AG, dated March 13, 2017; B) Default Order Revoking Nonresident Producer License from the State of South Carolina Department of Insurance, dated August 10, 2017; C) Final Order to Cease and Desist and Final Order Revoking License from the State of Oregon Division of Financial Regulation, dated November 1, 2017; D) Summary Order Revoking Idaho Nonresident Insurance Producer License, dated November 21, 2017; E) Letter regarding Revocation of Nevada Non-Resident

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<sup>2</sup> Exhibits F-G.

Producer License, dated January 10, 2018; F) a copy of the certified mailing of OTSC addressed to Belmore's residential/ mailing address and returned to the Division on September 26, 2018; G) a copy of the certified mailing of OTSC addressed to Belmore's business address and returned to the Division on October 2, 2018, and H) a copy of Belmore's licensing record at the Division.

***Findings of Fact***

Based on my review of the record, I make the following findings of fact.

1. The Division licensed Belmore as a non-resident insurance producer on September 15, 2016.
2. On May 8, 2017, the Chief Financial Officer of the State of Florida revoked Belmore's resident health agent's license after receiving a notification that Belmore pleaded *nolo contendere* to Attempted Burglary of a Structure in the Circuit Court of the Eighteenth Judicial Circuit in Brevard County, Florida on January 3, 2017.
3. On August 10, 2017, the State of South Carolina Department of Insurance revoked Belmore's nonresident producer license.
4. On November 1, 2017, the State of Oregon Division of Financial Regulation revoked Belmore's nonresident insurance producer license.
5. On November 21, 2017, the State of Idaho Department of Insurance revoked Belmore's nonresident insurance producer license.
6. On January 10, 2018, the State of Nevada Division of Insurance revoked Belmore's nonresident insurance producer license.
7. Belmore did not report the administrative actions against his insurance licenses in Florida, South Carolina, Oregon, Idaho, and Nevada to the Division.

***Analysis and Conclusions of Law***

801 CMR 1.01(7)(h) permits a party to move for summary decision when, in its opinion, there is no genuine issue of fact relating to a claim and it is entitled to prevail as a matter of law. Belmore has not contested the factual allegations in the OTSC nor offered any defense to the Division's claims for relief. M.G.L. c. 175, §§ 162G through 162X describe the requirements for obtaining and maintaining a Massachusetts insurance producer license. M.G.L. c. 175, §162R (a) specifies 14 grounds on which the Commissioner may initiate disciplinary action against a licensed producer. The Division identifies M.G.L. c. 175, §162R (a)(9) as a ground for revocation of Belmore's license. The Division also states that Belmore has failed to comply with M.G.L. c.175, §162V (a), a statute requiring a producer to report to the Commissioner any administrative actions taken against him by another jurisdiction within thirty days of the final

disposition of the matter.<sup>3</sup>

M.G.L. c. 175, §162R (a)(9) supports disciplinary action for “having an insurance producer license, or its equivalent, denied, suspended or revoked” by another jurisdiction. Belmore’s insurance producer licenses were revoked in Florida, South Carolina, Oregon, Idaho, and Nevada.<sup>4</sup> Accordingly, these administrative actions in other jurisdictions fully support discipline under subsection (a)(9).

I find that the revocation of Belmore’s insurance producer licenses in five jurisdictions fully warrant the Division’s request to revoke his Massachusetts producer license. On this record, I find that, in addition to revocation of his license, Belmore should be prohibited from transacting any insurance business or acquiring, in any capacity whatsoever in Massachusetts, any insurance business in Massachusetts and shall dispose of any interests he may have in any insurance business in Massachusetts.

The Division also requests the assessment of a fine in accordance with Chapter 176D, §7 (“Section 7 fines”). The maximum penalty permitted under M.G.L. c. 176D, §7 is \$1,000 per violation. However, I am not persuaded that it is appropriate to impose a Section 7 fine on the Respondent. Decisions in administrative proceedings seeking license revocation distinguish grounds for disciplinary action that arise from the respondent’s affirmative acts from grounds arising from administrative or judicial actions initiated by third parties to revoke or suspend the Respondent’s license. Because the ground on which the Division seeks to discipline Belmore, M.G.L. c. 175, §162R (a)(9) is based entirely on administrative actions against his licenses in other jurisdictions, I will not impose a Section 7 fine on him.

In addition to a Section 7 fine, the Division also requests fines for each of his violations of M.G.L. c. 175, §162V (a). Because that section does not include a specific penalty for non-compliance, violators are subject to fines imposed in accordance with M.G.L. c.175, §194. The maximum fine allowed under that section is \$500 per violation. Belmore’s failure to report five administrative actions to the Division effectively enabled him to avoid prompt enforcement

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<sup>3</sup> There is evidence in the record indicating that Belmore pleaded *nolo contendere* to Attempted Burglary of a Structure in the Circuit Court of the Eighteenth Judicial Circuit in Brevard County, Florida on January 3, 2017. *See* Exhibit A, Administrative Complaint, p. 2. However, the Division does not allege in the OTSC that Belmore failed to comply with M.G.L. c. 175, §162V (b), a statute requiring a producer to any criminal prosecution taken against him in any jurisdiction. Therefore, this Decision and Order does not include an analysis and discussion of M.G.L. c. 175, §162V (b).

<sup>4</sup> Exhibits A-E.

action the Commonwealth. For that reason, I will impose the maximum penalty of \$500 for each of Belmore's five failures to report an administrative action.

For the reasons set forth above, the Division's Motion for Summary Decision is hereby allowed.

## **ORDERS**

Accordingly, after due notice, hearing, and consideration it is

**ORDERED:** That any insurance producer license issued to Logan Belmore by the Division is hereby revoked; and it is

**FURTHER ORDERED:** that, within ten (10) days of this decision, Logan Belmore shall return to the Division any license in his possession, custody or control; and it is

**FURTHER ORDERED:** that Logan Belmore 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 Massachusetts; and it is

**FURTHER ORDERED:** that Logan Belmore shall comply with the provisions of M.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 Logan Belmore shall pay a fine of Two Thousand Five Hundred Dollars (\$2,500) to the Division within 30 days of the date of this decision and order.

This decision has been filed this 12th day of April 2019, in the office of the Commissioner of Insurance. A copy shall be sent to Logan Belmore by regular first class mail, postage prepaid.

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Kristina A. Gasson  
Presiding Officer

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