



**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

JAY ASH  
SECRETARY OF HOUSING AND  
ECONOMIC DEVELOPMENT

JOHN C. CHAPMAN  
UNDERSECRETARY

GARY ANDERSON  
ACTING COMMISSIONER OF INSURANCE

April 10, 2017

Michael Gergler  
19 Deerfield Lane  
Storrs, CT 06268-2712

RE: Michael Gergler – Massachusetts License No. 1812987  
SIU Investigation No. 9450

VIA VIA E-MAIL (Gergler@wilcox-reynolds.com)

Dear Mr. Gergler:

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 you violated the Massachusetts insurance laws set forth below by the conduct detailed in this settlement letter.

This case was opened on April 4, 2017, after the Division received notice that your Connecticut resident insurance license was revoked on or about July 7, 2016. Further investigation revealed that on July 14, 2015, you entered into a Consent Agreement with the Connecticut Insurance Department, Docket No. FC 15-97, whereby you admitted to engaging in improper conduct in the insurance business. As part of the Consent Agreement, your Connecticut insurance producer license was placed on probation for one year, subject to the permanent revocation of your license should you fail to abide by certain conditions of the Agreement. On July 7, 2016, your insurance producer license was revoked for failing to abide by the conditions of the Consent Agreement. As a result, you no longer hold a resident insurance producer license. You also failed to report these administrative actions to the Division.

On February 2, 2016, you entered into a Consent Agreement with the State of Florida, Department of Financial Services, whereby you admitted to failing to report an administrative action. As a result, your non-resident insurance producer license was placed on probation for one year. You failed to report this administrative action to the Division.

The conduct described above is evidence of the following violations:

M.G.L. c. 175, § 162R (a)(8) . . . [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 . . . using fraudulent, coercive or dishonest practices in the conduct of business. Additionally, a violation is punishable by a fine up to one thousand dollars. M.G.L. c. 176D, § 7.

M.G.L. c. 175, § 162V (a) . . . [a] producer shall report to the commissioner any administrative action taken against the producer . . . within 30 days of the final disposition of the matter. A violation is punishable by a fine of not more than five hundred dollars. M.G.L. c. 175, § 194.

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, § 162N (a)(1) – A producer holding a Massachusetts resident insurance producer license must be licensed as a resident in their home state.

The Division is authorized to issue an order requiring you to show cause as to why you should not be made to cease and desist from the above alleged conduct. If, after a public hearing, the Commissioner of Insurance finds that you 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, agree to the suspension of your Massachusetts non-resident insurance producer license until such time as proof of holding a resident insurance producer license is provided to the undersigned, and agree to pay a **fine of \$750**. 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 **April 24, 2017**.

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 **April 24, 2017**, 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](mailto: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 Michael Gergler (“Gergler”) licensed as an insurance producer licensed under the laws of the Commonwealth of Massachusetts (“Commonwealth”) and with an address of 19 Deerfield Lane, Storrs, CT 06268-2712.

WHEREAS, Gergler 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 9450, and contends that the acts and conduct of Gergler as set forth in the Division’s correspondence dated April 10, 2017, a copy of which is attached hereto, constitute grounds for revocation of Gergler’s insurance license and the imposition of fines;

WHEREAS, Gergler is aware of his 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. Gergler agrees to immediately cease and desist from the conduct outlined in the Division’s April 10, 2017 correspondence.

2. Gergler agrees to the immediate suspension of his Massachusetts non-resident insurance producer license until such time that proof is provided to the undersigned that Gergler holds a valid resident state insurance producer license.

3. Gergler agrees to pay a \$750 fine by April 24, 2017. 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:

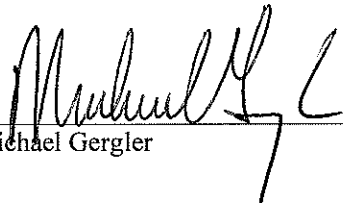
Massachusetts Division of Insurance  
C/O Scott Peary, Chief Enforcement Counsel  
1000 Washington Street, Suite 810  
Boston, MA 02118

4. Except as expressly set forth in this Agreement, the failure of the Division at any time to require strict performance by Gergler 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.

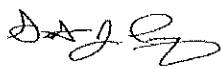
5. In the event that the Division finds that there has been a breach of any provision of this Agreement, the Division may, in its discretion, pursue any and all legal remedies permitted by the Massachusetts insurance laws as well as any other appropriate law of the Commonwealth.

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

SIGNED:

  
\_\_\_\_\_  
Michael Gergler

Dated: 7/12/2017

  
\_\_\_\_\_  
Commonwealth of Massachusetts  
Division of Insurance  
Scott Peary  
Chief Enforcement Counsel

Dated: April 10, 2017