

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 • Toll-free (877) 563-4467
<http://www.mass.gov/doi>

CHARLES D. BAKER
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JOHN C. CHAPMAN
UNDERSECRETARY OF CONSUMER AFFAIRS
AND BUSINESS REGULATION

GARY D. ANDERSON
COMMISSIONER OF INSURANCE

January 26, 2018

Hill Family Insurance Agency, Inc.
C/O Richard Hill 10 Turnpike Road
Jaffrey, NH 03452

RE: Massachusetts Insurance Producer License No. 2021555
SIU Case No. 9460

VIA E-MAIL (hillfamins@gmail.com)
AND U.S. MAIL POSTAGE PREPAID



Dear Mr. Hill:

I represent the Massachusetts Division of Insurance (“Division”) with regard to the above-referenced investigation. As a result of the investigation conducted by the Division’s Special Investigations Unit, the Division has cause to believe that Hill Family Insurance Agency, Inc. violated the Massachusetts insurance laws by the conduct detailed in this settlement letter.

This case was opened on April 14, 2017, after the Division discovered that Hill Family Insurance Agency, Inc. allowed its business entity insurance producer license to expire on January 19, 2017, did not renew the license until April 12, 2017, and during the intervening period, wrote and/or renewed 6 insurance policies. The Division alleges that from the time its Massachusetts business entity insurance producer license expired on January 19, 2017, to the time the Division received the new license application on April 12, 2017, Hill Family Insurance Agency wrote total policy premiums in the amount of \$4,757.00, which generated commissions of \$327.31. According to the Division’s licensing records, this was the third time that the Hill Family Insurance Agency, Inc.’s Massachusetts business entity insurance producer license had been terminated for non-renewal since 2011.

The Division alleges that, by producing or writing 6 Massachusetts insurance policies after its insurance producer license lapsed on January 19, 2017 and before the Division reinstated the insurance producer license on April 12, 2017, Hill Family Insurance Agency, Inc. committed 6 violations of M.G.L. c. 175, § 175. The penalty for each violation is a fine of not less than ten nor more than one hundred dollars. Each violation of M.G.L. c. 175, § 175 also provides grounds for administrative action under M.G.L. c. 175, § 162R(a)(2), for “violating any insurance laws, or violating any regulation, subpoena or order of the commissioner or of another state’s insurance commissioner.” The remedies available to the Division under M.G.L. c. 175, § 162R(a) include the imposition of a civil penalty of not more than

\$1,000.00 pursuant to M.G.L. c. 176D, § 7, and having Hill Family Insurance Agency, Inc.'s Massachusetts business entity insurance producer license placed on probation, suspended or revoked.

The Division is authorized to issue an order requiring Hill Family Insurance Agency, Inc. to show cause as to why it should not be made to cease and desist from the above-alleged conduct. If the Commissioner of Insurance finds that Hill Family Insurance Agency, Inc. did commit the alleged violations, it may be liable for fines up to the amounts listed above and having its Massachusetts business entity insurance producer license placed on probation, suspended or revoked.

The Division proposes to resolve this matter through a settlement if Hill Family Insurance Agency, Inc. agrees to waive its right to a public hearing, agrees to cease and desist from the above-alleged conduct and agrees to pay a **fine of \$200.00**. The Division considers the acceptance of this settlement to constitute a reportable administrative action or proceeding, which should be included on Hill Family Insurance Agency, Inc.'s 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.

If Hill Family Insurance Agency, Inc. chooses 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 **February 9, 2018**.

Although this correspondence does not constitute the required statutory notice of a public hearing, if this matter is not resolved by **February 9, 2018**, the Division intends to file its Order to Show Cause and will notify Hill Family Insurance Agency, Inc. 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**

Scott J. Peary
Chief Enforcement Counsel

Digitally signed by Scott J. Peary
DN: cn=Scott J. Peary, o,
ou=Massachusetts Division of
Insurance,
email=Scott.Peary@state.ma.us, c=US
Date: 2018.01.26 11:15:05 -05'00'

Enclosure



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COMMISSIONER OF INSURANCE

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made by and between the Commonwealth of Massachusetts, Division of Insurance (“Division”), with offices at 1000 Washington Street, Boston, MA 02118-6200, and Hill Family Insurance Agency, Inc., an insurance producer licensed under the laws of the Commonwealth of Massachusetts (“Commonwealth”), with a mailing address of 10 Turnpike Road, Jaffrey, NH, 03452.

WHEREAS, Hill Family 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 9460, and contends that the acts and conduct of Hill Family Insurance Agency, Inc. as set forth in the Division’s correspondence dated January 26, 2018, a copy of which is attached hereto, constitute grounds for revocation of Hill Family Insurance Agency, Inc.’s insurance license and the imposition of fines;

WHEREAS, Hill Family 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. Hill Family Insurance Agency, Inc. agrees to immediately cease and desist from the conduct outlined in the Division’s January 26, 2018 correspondence, a copy of which is attached hereto and incorporated herein by reference.

2. Hill Family Insurance Agency, Inc. agrees to pay a \$200.00 fine by **February 9, 2018**. Such check shall be made payable to the Commonwealth of Massachusetts and returned, along with two 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 Hill Family 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 Hill Family Insurance Agency, Inc.


6. This Agreement shall be interpreted to carry into effect the regulatory and disciplinary requirements and objectives of the Division.

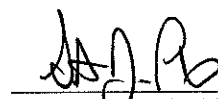
7. This Agreement may be signed as multiple originals, each of which shall have the full force and effect of an original without having to account for all originals.

8. This Agreement shall be construed in accordance with the laws of the Commonwealth, without giving effect to conflicts of law principles.

9. Hill Family Insurance Agency, Inc. states that it fully understands the legal consequences of this Agreement. The Division has provided Hill Family Insurance Agency, Inc. with the opportunity to present this Agreement for review by an attorney of its choosing at its own expense and Hill Family Insurance Agency, Inc. agrees that it has had ample time to have an attorney review this Agreement. Hill Family Insurance Agency, Inc. has carefully read this Agreement, understands the contents herein, freely and voluntarily assents to all of the terms and conditions hereof, and the undersigned Hill Family Insurance Agency, Inc. authorized representative signs his name of his own free act.

SIGNED:


Richard Hill


Scott J. Peary | Chief Enforcement Counsel
Commonwealth of Massachusetts
Division of Insurance

Dated: 1-26-18

Dated: 2.6.2018