

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
1511 PONTIAC AVENUE, BLDG. 69-2
CRANSTON, RHODE ISLAND 02920**

IN THE MATTER OF: :
: :
THOMAS C. KURZE : **DBR No. 12-IN103**
: :
RESPONDENT. :
: :

ORDER OF REVOCATION

Hearing Officer: Ellen R. Balasco, Esq.

Hearing Held: January 16, 2013

Appearances:

For the Department of Business Regulation: Elizabeth Kelleher Dwyer, Esq.

For Respondents: No appearance by Respondent or counsel.

I. INTRODUCTION

This matter was assigned to the undersigned Hearing Officer on November 28, 2012, pursuant to an Order to Show Cause, Notice of Hearing and Appointment of Hearing Officer (“Order”) regarding Thomas C. Kurze (“Respondent”) requiring Respondent to appear before the Department and answer why the Director of the Department of Business Regulation (“Department”) should not issue an order imposing administrative sanctions in accordance with R.I. Gen. Laws § 42-14-16.

The filing of Department’s Order was based on information provided to the Department’s Insurance Division (“Division”) from the Respondent’s employer, pursuant to the provisions of R.I. Gen. Laws § 27-2.4-16(a), alleging that the Respondent had been discharged from his employment for cause.

The matter was first assigned for a pre-hearing conference on January 9, 2013. Due to scheduling conflicts, a Notice of New Hearing date of January 16, 2013 was sent to the Respondent by regular mail, and by certified mail, return receipt requested. The Respondent failed to appear at a show cause hearing held at the Department on January 16, 2012, after having been duly served with notice of the hearing in accordance with R.I. Gen. Laws § 42-35-9.

II. JURISDICTION

The Department has jurisdiction over this matter pursuant R.I. Gen. Laws § 7-11-1 *et seq.*, R. I. Gen. Laws § 42-14-1, *et seq.*, and R.I. Gen. Laws § 42-35-1, *et seq.*

III. FINDINGS OF FACT

After hearing the arguments of counsel, and due consideration of the evidence presented by the Insurance Division in this matter, the undersigned Hearing Officer makes the following findings of fact:

1. Respondent has held Rhode Island resident insurance producer license number 2014322 with property and casualty lines of authority since April 5, 2005. At all times relevant hereto Respondent was a licensed insurance producer in this state.
2. On November 28, 2012 the Insurance Division issued and caused to be served upon Respondent an Order to Show Cause alleging that Respondent had violated various insurance statutes and requiring that he appear at a hearing on January 9, 2013 to answer those allegations.
3. On December 31, 2012, the undersigned Hearing Officer issued and caused to be served upon Respondent a Notice of New Hearing Date, rescheduling the show cause hearing to January 16, 2013.
4. Both the Order to Show Cause and the Notice of New Hearing Date were served upon Respondent by regular mail and by certified mail,

return receipt requested, to the last and only known address on file with the Department.

5. The record shows by United States Postal Service Track and Confirm printouts that the Order to Show Cause was returned, unclaimed on December 21, 2012, and that the Notice of New Hearing Date was delivered to the Respondent on January 2, 2013 at 6:47 a.m. The Order sent by regular mail was not returned to the Department.
6. The Respondent failed to appear at the hearing on January 16, 2013, and failed to defend the allegations contained in the Order to Show Cause in any manner.
7. The Department presented documentary evidence at the hearing on January 16, 2013 which established that:
 - a. On March 8, 2012, the Insurance Division received a letter from Metlife Insurance which advised that the company had terminated the Respondent's employment for falsifying company records, effective on February 23, 2012.
 - b. On March 14, 2012, the Insurance Division forwarded a copy of that letter to the Respondent, along with a request that he provide "a complete written explanation for the allegations . . . within fifteen (15) business days."
 - c. On October 2, 2012, the Division mailed a second request for an explanation, as the Respondent had failed to respond to its first request.
 - d. The Respondent has failed to respond in any manner to the Division's two requests for information, to the Order to Show Cause

which was duly served upon him, and to the Notice of New Hearing Date which was duly served upon him on January 2, 2013.

- e. The Insurance Division has complied with the requirements of R.I. Gen. Laws § 42-35-9 regarding notice in contested cases, and the Respondent was afforded an opportunity for a hearing after reasonable notice.
- f. Based on the documentary evidence submitted at hearing, and based on Respondent's failure to appear, Respondent is hereby defaulted, and is found to have committed violations of R.I. Gen. Laws §§ 27-2.4-14(a)(2), (7) and (8) and Insurance Regulation 73(5)(F).
- g. Based on the provisions set forth in R.I. Gen. Laws § 27-2.4-14, it is in the public interest to immediately and permanently revoke Respondent's insurance producer license.

IV. CONCLUSIONS OF LAW

1. There is sufficient cause under R.I. Gen. Laws to permanently revoke the insurance producer license held by the Respondent pursuant to R.I. Gen. Laws § 42-14-16(a)(1), based on the evidence submitted by the Department at hearing.

2. The Department's ability to impose a civil penalty and/or require other actions for the above violations pursuant to R.I. Gen. Laws § 42-14-16(a)(4) are specifically reserved and may be asserted as deemed necessary and appropriate by the Department after notice and hearing to Respondent.

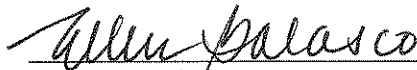
3. A default judgment against Respondent is appropriate given his failure to appear and/or defend this action pursuant to Section 21 of *Central Management Regulation 2 – Rules of Procedure for Administrative Hearings*.

V. RECOMMENDATION

Based on the above analysis, the Hearing Officer recommends that the Director of the Department Order that:

1. The Respondent is defaulted for his failure to appear and/or defend this administrative enforcement action;
2. Respondent's insurance producer license is permanently revoked.

DATED: 2/21/13


Ellen R. Balasco, Esq.
Hearing Officer

ORDER


I have read the Hearing Officer's Recommendation in this matter, and I hereby take the following action with regard to the Recommendation:

ADOPT

REJECT

MODIFY

Dated: 21 Feb 2013


Paul McGreevy
Director

ENTERED as Administrative Order No. 13009 on the 22nd day of February, 2013.

THIS ORDER OF DISMISSAL CONSTITUTES A FINAL DECISION OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO R.I. GEN. LAWS § 42-35-1 ET SEQ. AS SUCH, THIS DECISION MAY BE APPEALED TO THE SUPERIOR COURT SITTING IN AND FOR THE COUNTY OF PROVIDENCE WITHIN THIRTY (30) DAYS OF THE DATE OF THIS DECISION. SUCH APPEAL, IF TAKEN, MAY BE COMPLETED BY FILING A PETITION FOR REVIEW IN SAID COURT.

CERTIFICATION

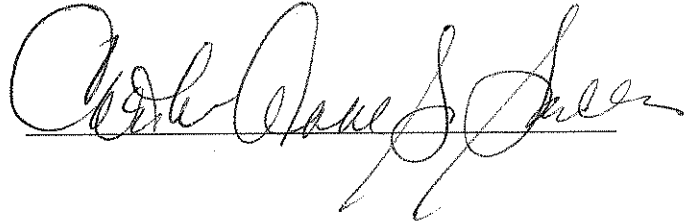
I hereby certify that on the 22nd day of February, 2013, a true copy of this Decision and Final Order was sent by first class mail, postage prepaid to:

Mr. Thomas C. Kurze, 49 Begonia Drive, Cranston, Rhode Island 02920

and by electronic mail to the following parties at the Department of Business Regulation:

Elizabeth Kelleher Dwyer, Esq., Deputy Chief of Legal Services

Joseph Torti, Deputy Director

A handwritten signature in black ink, appearing to read "Joseph Torti", is written over a horizontal line. The signature is cursive and somewhat stylized.