

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
JOHN O. PASTORE CENTER, BLDGS 68-69
1511 PONTIAC AVENUE
CRANSTON, RHODE ISLAND 02920**

IN THE MATTER OF:

Eramis De La Rosa,

RESPONDENT.

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DBR No.: 10-I-0056

ORDER OF REVOCATION

The above-entitled matter came on for hearing pursuant to the Department of Business Regulation's ("Department") Order To Show Cause, Notice of Hearing and Appointment of Hearing Officer ("Notice") issued by the Department on May 11, 2010 to the above-captioned respondent ("Respondent"). The Notice was sent by first class mail and certified mail. See Department's Exhibit One (1) (Notice). The Respondent may not have received said Notice. See Department's Exhibit Two (2) (certified mail tracking sheet). Therefore, the Department sent the Respondent a new letter ("Second Notice") rescheduling the pre-hearing conference to June 29, 2010. See Department's Exhibit Three (3) (Second Notice). The Respondent received the Second Notice. See Department's Exhibit Four (4) (certified mail tracking sheet showing receipt of Second Notice). The Respondent received adequate notice of this hearing. The Respondent did not appear on June 29, 2010 at the pre-hearing conference. At hearing, the Department's counsel requested that the undersigned make findings of facts on the basis of the Notice

and enter a default judgment against Respondent. The Department has jurisdiction over this matter pursuant to R.I. Gen. Laws § 27-2.4-1 *et seq.*

The following exhibits were entered at the pre-hearing conference:

1. Letter from Rhode Island Automobile Insurance Plan (“RIAIP”) to the Department indicating that the Respondent owed outstanding commissions to RIAIP and that the Respondent’s errors and omissions coverage had expired August 21, 2009. See Department’s Exhibit Seven (7).
2. March 15, 2010 letter from Department to Respondent requesting proof of errors and omissions coverage within fifteen (15) days of date of receipt of letter. See Department’s Exhibit Eight (8).

Based on the foregoing, the undersigned makes the following findings of fact:

1. Pursuant to Section 21 of the *Central Management Regulation 2 – Rules of Procedure for Administrative Hearings*, the Respondent is declared to be in default for failing to appear at the pre-hearing conference.

2. Pursuant to Section 21 of the *Central Management Regulation 2 – Rules of Procedure for Administrative Hearings*, the allegations in the Notice are found to be true and the exhibits entered at hearing are found to be true.

1. The Respondent owes RIAIP unearned commissions.
2. The Respondent does not have errors and omissions coverage.
3. The Respondent did not reply to the Department’s March 15, 2010 letter.

Based on the foregoing, the undersigned makes the following conclusions of law:

1. The Respondent violated R.I. Gen. Laws § 27-2.4-14(a)(8) by failing to repay the unearned commissions to RIAIP.

2. The Respondent violated R.I. Gen. Laws § 27-2.4-23 by failing to maintain errors and omissions insurance.

3. The Respondent violated *Central Management Regulation 2(4)(A)* and *Insurance Regulation 73(5)(F)* by failing to respond to the Department.

On the basis of the forgoing, the undersigned makes the following recommendation:

1. The Respondent's insurance license is revoked for violating R.I. Gen. Laws § 27-2.4-23, R.I. Gen. Laws § 27-2.4-14(a)(8), *Central Management Regulation 2(4)(A)*, and *Insurance Regulation 73(5)(F)*.

Dated: July 26, 2010 _____ signature on file
Catherine R. Warren
Hearing Officer

I have read the Hearing Officer's recommendation in this matter and I hereby ADOPT/REJECT the findings of facts, the conclusions of law, and the recommendation of the hearing officer in the above-entitled Final Order.

Dated: July 26, 2010 _____ signature on file
A. Michael Marques
Director

Entered as Administrative Order No. 10-116 on the 27th day of July, 2010.

NOTICE OF APPELLATE RIGHTS

THIS ORDER CONSTITUTES A FINAL ORDER OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO R.I. GEN. LAWS § 42-35-12. PURSUANT TO R.I. GEN. LAWS § 42-35-15, THIS ORDER MAY BE APPEALED TO THE SUPERIOR COURT SITTING IN AND FOR THE COUNTY OF PROVIDENCE WITHIN THIRTY (30) DAYS OF THE MAILING DATE OF THIS DECISION. SUCH APPEAL, IF TAKEN, MUST BE COMPLETED BY FILING A PETITION FOR REVIEW IN SUPERIOR COURT. THE FILING OF THE COMPLAINT DOES NOT ITSELF STAY ENFORCEMENT OF THIS ORDER. THE AGENCY MAY GRANT, OR THE REVIEWING COURT MAY ORDER, A STAY UPON THE APPROPRIATE TERMS.