

**STATE OF RHODE ISLAND  
DEPARTMENT OF BUSINESS REGULATION  
JOHN O. PASTORE COMPLEX, BLDG 68-69  
1511 PONTIAC AVENUE  
CRANSTON, R.I. 02920**

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**IN THE MATTER OF:**

**Michael J. Hutchinson,**

**Respondent.**

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**DBR No.: 2023-IN-004  
NPN No.: 19702915**

**FINAL ORDER REVOKING LICENSE**

**I. INTRODUCTION**

The above-entitled matter came for a hearing on February 22, 2024 pursuant to an Emergency Order Summarily Suspending License; Order to Show Cause Why an Order Should not Issue to Revoke Insurance Producer License and Fines Should not be Assessed; Notice of Hearing and Appointment of Hearing Officer (“Emergency Order and Order to Show Cause”) issued on February 1, 2024 to Michael J. Hutchinson (“Respondent”) by the Department of Business Regulation (“Department”). Pursuant to R.I. Gen. Laws § 27-2.4-1 *et seq.*, the Respondent holds an insurance producer license (“License”). The Respondent did not appear at hearing. Pursuant to § 2.9 of the 230-RICR-100-00-2 *Rules of Procedure for Administrative Hearing* (“Rules”), service may be made by hand-delivery or first-class mail and service is complete upon mailing when sent to the last known address of the party. In this matter, the Order to Show Cause was sent to the Respondent’s last known address by first class and certified mail.<sup>1</sup>

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<sup>1</sup> Megan Mihara, Principal Program Planner, testified on behalf of the Department. She testified that the Emergency Order and Order to Show Cause was forwarded to the Respondent’s last known address on record with the Department by first class mail and certified mail. She testified that the first class mail was not returned. The certified mail was delivered. Department’s Exhibit One (1) (Emergency Order and Order to Show Cause); and Two (2) (United States Post Office tracking sheet showing certified mail was delivered to Respondent).

Since the Respondent was adequately noticed of hearing, a remote hearing was held before the undersigned on February 22, 2024. Additionally, § 2.21 of the Rules provides that a default judgment may be entered based on pleadings and/or evidence submitted at hearing by a non-defaulting party. The Department was represented by counsel who rested on the record.

## **II. JURISDICTION**

The administrative hearing was held pursuant to R.I. Gen. Laws § 42-14-1 *et seq.*, R.I. Gen. Laws § 27-2.4-1 *et seq.*, R.I. Gen. Laws § 42-35-1 *et seq.*, and the Rules.

## **III. ISSUE**

Whether the Respondent's License should be revoked pursuant to R.I. Gen. Laws § 27-2.4-14(a) and R.I. Gen. Laws § 42-14-16(a)(1).

## **IV. MATERIAL FACTS**

Rachel Chester, Chief of Consumer and Licensing Services, testified on behalf of the Department. She testified that the Department received two (2) complaints regarding the Respondent, and she forwarded those two (2) complaints to him for response by letter dated December 7, 2023. She testified that the letter was sent by first class mail and certified mail. Department's Exhibit Three (3) (copy of letter sent by certified mail with the United States Post Office tracking sheet showing certified mail was delivered to Respondent); and Four (4) (copy of letter sent by first class mail). She testified that the Respondent acknowledged receipt of the complaints and indicated that a response would be forthcoming but that he never sent a response to the complaints to the Department.

Based on the Emergency Order and Order to Show Cause, the complaints alleged that the Respondent had taken out three (3) life insurance policies for three (3) different consumers without their knowledge or permission. The Respondent acknowledged to the Department in a telephone

call that it was his business practice to take out policies on people without their knowledge. The Respondent did not provide a response to the complaints within ten (10) days as requested by the Department.

**V. RELEVANT STATUTES AND REGULATIONS**

Section 2.4 of the Rules requires that if contacted by the Department, a licensee shall file a response within 15 business days or such time frame as specified by the Department.

R.I. Gen. Laws § 27-2.4-14(a)(2) and (8) provides as follows:

Licenses – Denial – Nonrenewal – Suspension or revocation.  
(a) The insurance commissioner may place on probation, suspend, revoke or refuse to issue or renew an insurance producer's license or may levy an administrative penalty in accordance with § 42-14-16 or any combination of actions, for any one or more of the following causes:

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(2) Violating any insurance laws, or violating any regulation, subpoena or order of the insurance commissioner or of another state's insurance commissioner;

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(7) Having admitted or been found to have committed any insurance unfair trade practice or fraud;

(8) Using fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness or financial irresponsibility in this state or in another place.

R.I. Gen. Laws § 42-14-16(a)(1) provides as follows:

Administrative penalties. (a) Whenever the director, or his or her designee, shall have cause to believe that a violation of title 27 and/or chapter 14, 14.5, 62, or 128.1 of title 42 or the regulations promulgated thereunder has occurred by a licensee, or any person or entity conducting any activities requiring licensure under title 27, the director or his or her designee may, in accordance with the requirements of the administrative procedures act, chapter 35 of this title:

(1) Revoke or suspend a license.

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**VI. DISCUSSION**

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

1. Pursuant to Section 2.21 of the Rules, the Respondent is declared to be in default for failing to appear at the hearing.
2. Pursuant to Section 2.21 of the Rules, the allegations in the Emergency Order and Order to Show Cause are found to be true.


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

1. The Respondent violated Section 2.4 of the Rules (failed to respond within 15 business days to Department).
2. The Respondent violated R.I. Gen. Laws § 27-2.4-14(a)(7) and (8) by engaging in dishonest and untrustworthy practices and fraudulent acts by obtaining policies for people without their knowledge.
3. There are grounds to revoke the Respondent's License pursuant to R.I. Gen. Laws § 27-2.4-14(a)(2); (7); and (8) (engaged in unfair trade or fraud, violation of insurance laws and dishonest and untrustworthy acts) and R.I. Gen. Laws § 42-14-16(a)(1) (violations of insurance laws).
4. The Respondent's License should be revoked pursuant to R.I. Gen. Laws § 27-2.4-14(a)(2); (7); and (8) and R.I. Gen. Laws § 42-14-16(a)(1).

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

1. The Respondent's License is revoked.

Dated: MARCH 1, 2024

  
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 recommendation of the hearing officer in the above entitled Final Order.

Dated: March 7, 2024



Elizabeth Kelleher Dwyer, Esquire  
Director

**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.**

**CERTIFICATION**

I hereby certify that on this 8th day of March, 2024, that a copy of the within Order and Notice of Appellate Rights was sent by first class mail, postage prepaid and by certified mail, return receipt requested to Mr. Michael J. Hutchinson, 156 Dedham Street, Canton, MA 02021 and by electronic delivery to Matthew Gendron, Esquire, Mariel Garcia, Esquire, and Rachel Chester, Chief, Department of Business Regulation, Pastore Complex, 1511 Pontiac Avenue. Cranston, R.I.



Print Name: Meredith Cotta