

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

IN THE MATTER OF:

MICHAEL BRESSETTE,

RESPONDENT.

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DBR No. 11-I-0132

ORDER OF REVOCATION

Hearing Officer: Ellen R. Balasco, Esq.

Hearing Held: January 9, 2012

Appearances:

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

For Respondents: No appearance by Respondent or counsel.

I. INTRODUCTION

This matter was scheduled to be heard by the undersigned Hearing Officer on January 9, 2012, pursuant to an Order to Show Cause, Notice of Hearing and Appointment of Hearing Officer (“Order”) to Michael Bresette (“Respondent”) requiring Respondent to appear before the Department and answer why the Director of the 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 that the Respondent had been charged with and indicted upon eight (8) felony charges involving insurance fraud and obtaining money under false pretenses, all related to insurance transactions.

The Respondent failed to appear at a show cause hearing held at the Department on January 9, 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 Department in this matter, the undersigned Hearing Officer makes the following findings of fact:

1. Respondent has held Rhode Island resident insurance claims adjuster license number 2055907 since March 5, 2009. At all times relevant hereto Respondent was a licensed insurance claims adjuster in this state.
2. On December 29, 2011 the Insurance Division issued and 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, 2012 to answer those allegations.
3. Respondent failed to appear at the hearing on January 9, 2012, and failed to defend the Order to Show Cause in any manner.
4. Based upon documentary evidence submitted by counsel for the Department at the hearing, the Respondent was charged with five (5) felony counts of insurance fraud and three (3) felony counts of obtaining money under false pretenses by the Rhode Island State Police. Those charges are pending in the Rhode Island Superior Court and the Respondent was released after arraignment on his own recognizance.

5. Based upon additional evidence submitted by the Department, the Insurance Division received seven consumer complaints against the Respondent with dates of loss ranging from January of 2010 to January of 2011, each alleging improprieties by the Respondent relative to his conduct as an insurance adjuster.
6. Based on the documentary evidence submitted at hearing, and on Respondent's failure to appear, Respondent is hereby defaulted, and is found to have committed violations of Insurance Regulation 43, Sections 11(3), (5), (6), (7) and (8).
7. Based on the provisions set forth in R.I. Gen. Laws §27-10-7, it is in the public interest to immediately and permanently revoke Respondent's insurance adjuster license.

IV. CONCLUSIONS OF LAW

1. There is sufficient cause under R.I. Gen. Laws to permanently revoke the insurance adjuster license held by the Respondent pursuant to R.I. Gen. Laws § 42-14-16(a)(1), based on the criminal charges filed against the Respondent, and on his conduct as described in 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 adjusters license is permanently revoked.

DATED: January 12, 2012

Ellen R. Balasco
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: 13 January 2012

Paul McGreevy
Paul McGreevy
Director

ENTERED as Administrative Order No. 12-001 on the 13th day of January, 2012.

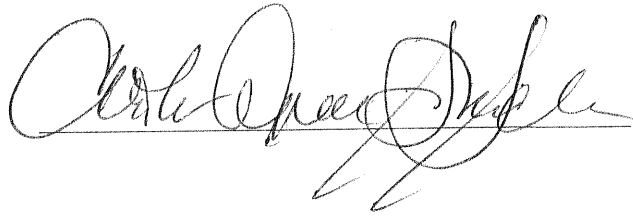
THIS ORDER OF DISMISSAL CONSTITUTES A FINAL DECISION OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO R.I. GEN. LAWS § 42-35-1 ET SEQ. AS SUCH, THIS DECISION MAY BE APPEALED TO THE SUPERIOR COURT SITTING IN AND FOR THE COUNTY OF PROVIDENCE WITHIN THIRTY (30) DAYS OF THE DATE OF THIS DECISION. SUCH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

CERTIFICATION

I hereby certify that on the 13th day of January, 2011, a true copy of this Decision and Final Order was sent by first class mail, postage prepaid to: Michael Bresette, at 52 Tug Hollow Road, Richmond, Rhode Island 02892 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 cursive script, appearing to read "Michael Bresette", is written over a horizontal line.