

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE DEPARTMENT OF COMMERCE

In the Matter of the Insurance  
Producer's License and the Notary  
Commission of Patrice Pouliot

**FINDINGS OF FACT,  
CONCLUSIONS AND  
RECOMMENDATIONS**

This matter came on for hearing before Administrative Law Judge (ALJ) Kathleen D. Sheehy on July 9, 2009, at the Office of Administrative Hearings in St. Paul. The OAH record closed at the conclusion of the hearing that day.

Michael J. Tostengard, Assistant Attorney General, 445 Minnesota Street, Suite 1200, St. Paul, MN 55101-2130, appeared for the Department of Commerce (Department).

Richard P. Ohlenberg, Esq., Otten & Seymour, 108 Professional Plaza, 1601 East Highway 13, Burnsville, MN 55337, appeared for Patrice Pouliot (Respondent).

**STATEMENT OF ISSUES**

Should the Commissioner take disciplinary action against the Respondent for violations of Minn. Stat. §§ 45.027, subd. 7(a)(4), 60K.43, subd. 1(4), 1(8) and 1(10) (2008)?

Based on the proceedings herein, the Administrative Law Judge makes the following:

**FINDINGS OF FACT**

1. The Respondent is a licensed insurance producer (license no. 4001237), and she holds a notary commission (no. 6179938).
2. On April 1, 2008, the Commissioner issued a Notice and Order for Hearing, Order to Show Cause, Order for Summary Suspension, and Statement of Charges in this matter. The Notice and Order for Hearing scheduled a hearing to take place on April 29, 2008. At the request of the Respondent, the hearing was continued

several times pending the resolution of criminal charges in Hennepin County District Court.<sup>1</sup>

3. The Statement of Charges alleges that in January 2008, the Department received a complaint from Title One, Inc., regarding the Respondent. The Department's investigation revealed that, in the course of the Respondent's employment with Title One, the Respondent forged signatures on 38 checks issued to customers and deposited them into her own bank account. The total amount misappropriated was \$63,316.65.

4. The Statement of Charges also alleges that on January 22, 2008, the Bloomington Police Department arrested the Respondent. The Respondent admitted to law enforcement authorities that she forged signatures on the 38 checks.

5. The Statement of Charges further alleges that before working at Title One, the Respondent was employed by Midwest Guaranty. While in the employment of Midwest Guaranty, the Respondent purchased a home and created a fictitious closing file in the company's ledger, indicating that a check for \$329,129.97 had been deposited. The Respondent then issued a Midwest Guaranty check in the amount of \$308,760.39 to the seller.

6. The Respondent recently pleaded guilty to criminal charges in connection with the transactions described above.

7. The Respondent has reached a stipulation with the Department that she will not contest the allegations contained in the Statement of Charges. The Respondent reserves the right to make argument to the Commissioner regarding the appropriate sanction to be imposed against her.

8. In making argument to the Commissioner regarding the appropriate sanction, the Respondent intends to submit documents related to the disposition of the criminal charges against her. The Department has no objection to submission of those documents to the Commissioner after closure of the OAH record.

Based on the Findings of Fact, the Administrative Law Judge makes the following:

### **CONCLUSIONS**

1. The Administrative Law Judge and the Commissioner of Commerce have jurisdiction herein pursuant to Minn. Stat. §§ 14.50, 45.027 and 60K.43.

2. The Notice of Hearing was proper, and the Department has fulfilled all procedural requirements.

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<sup>1</sup> See correspondence from the ALJ to counsel dated April 22, 2008; June 5, 2008; September 9, 2008; January 23, 2009; and April 14, 2009.

3. The commissioner may deny, suspend, or revoke the authority or license of a person subject to the duties and responsibilities entrusted to the commissioner, or censure that person, if the commissioner finds that the order is in the public interest and the person has engaged in an act or practice, whether or not the act or practice directly involves the business for which the person is licensed or authorized, which demonstrates that the applicant or licensee is untrustworthy, financially irresponsible, or otherwise incompetent or unqualified to act under the authority or license granted by the commissioner.<sup>2</sup>

4. The commissioner may restrict, censure, suspend, revoke, or refuse to issue or renew an insurance producer's license or may levy a civil penalty for any one or more of the following causes: improperly withholding, misappropriating, or converting any money or properties received in the course of doing insurance business; using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility, whether or not involving the business of insurance in this state or elsewhere; and forging another's name to an application for insurance or to any document, whether or not related to an insurance transaction.<sup>3</sup>

5. By forging signatures and misappropriating funds, the Respondent engaged in multiple acts, each of which constitutes a separate violation of law, demonstrating that the Respondent is untrustworthy, financially irresponsible, and otherwise incompetent or unqualified to act under the authority or license granted by the commissioner, in violation of Minn. Stat. §§ 45.027, subd. 7(a)(4), 60K.43, subds. 1(4), 1(8), and 1(10) (2006).

6. Discipline of the Respondent's insurance producer's license and notary commission is in the public interest.

Based on the Conclusions, the Administrative Law Judge makes the following:

**RECOMMENDATION**

**IT IS RECOMMENDED** that appropriate disciplinary action be taken against the Respondent's Insurance Producer's License and Notary Commission.

Dated: July 23, 2009.

s/Kathleen D. Sheehy

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KATHLEEN D. SHEEHY  
Administrative Law Judge

Reported: Digitally Recorded (no transcript)

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<sup>2</sup> Minn. Stat. § 45.017, subd. 7(a)(4) (2006).

<sup>3</sup> Minn. Stat. § 60K.43, subd. 1(4), 1(8), and 1(10) (2006).

## NOTICE

This report is a recommendation, not a final decision. The Commissioner of Commerce will make the final decision after a review of the record. The Commissioner may adopt, reject or modify the Findings of Fact, Conclusions, and Recommendations. Under Minn. Stat. § 14.61, the final decision of the Commissioner shall not be made until this Report has been made available to the parties to the proceeding for at least ten days. An opportunity must be afforded to each party adversely affected by this Report to file exceptions and present argument to the Commissioner. Parties should contact Emmanuel Munson-Regala, Deputy Commissioner, Attn: Sue Jensen, Minnesota Department of Commerce, 85 Seventh Place East, Suite 500, St. Paul, MN 55101, to learn the procedure for filing exceptions or presenting argument.

If the Commissioner fails to issue a final decision within 90 days of the close of the record, this report will constitute the final agency decision under Minn. Stat. § 14.62, subd. 2a. In order to comply with this statute, the Commissioner must then return the record to the Administrative Law Judge within 10 working days to allow the Judge to determine the discipline to be imposed. The record closes upon the filing of exceptions to the report and the presentation of argument to the Commissioner, or upon the expiration of the deadline for doing so. The Commissioner must notify the parties and the Administrative Law Judge of the date on which the record closes.

Under Minn. Stat. § 14.62, subd. 1, the agency is required to serve its final decision upon each party and the Administrative Law Judge by first class mail or as otherwise provided by law.