

4-1004-7734-2

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA DEPARTMENT OF COMMERCE

In the Matter of the Insurance
Agent License of Barry Schaffner,
License No. 0039816

FINDINGS OF FACT.
CONCLUSIONS OF LAW
ANA RECOMMENDATION

The above-entitled matter came of for hearing before
Administrative Law
Judge Peter C. Erickson at 9:30 a.m. on April 27, 1993 in
the first floor
hearing room, 133 East 7th Street, St. Paul, Minnesota. The
record closed at
the conclusion of the hearing.

Michael A. Sindt, Special Assistant Attorney General, 1100
Bremer Tower,
82 East 7th Place, St. Paul Minnesota 55101, appeared on
behalf of the
Complainant, Minnesota Department of Commerce. The Licensee,
Barry Schaffner,
1 2005 41 st Avenue North, #304, Plymouth, Minnesota 55441 , did
not appear at
the hearing.

Notice is hereby given that, pursuant to Minn. Stat.
14.61 the final
decision of the Commissioner of Commerce shall not be made
until this Report
has been mad(? available to the parties to the proceeding for
at least ten
days, and an opportunity has been afforded to each party
adversely affected to
file exceptions and present argument to the Commissioner
of Commerce.
Exceptions to this Report, if any, shall be filed with
the Minnesota
Department of Commerce, 133 East 7th Street, St. Paul, Minnesota 55101.

STATEMENT OF ISSUE

The issue to be determined in this proceeding is whether
the Licensee
violated Minnesota Statutes and Rules during his employment as
an insurance
agent and, if proved, whether those violations constitute
grounds for
disciplinary action.

Based upon all of the proceedings herein, the
Administrative Law Judge

makes the following:

FINDINGS OF FACT

1. A Notice of and Order for Hearing and Order to Show Cause was served upon the Licensee by certified mail to the Licensee's last known address on April 12, 1993. Additionally, a copy of the Notice and Order was left in the office of the Commissioner. An Affidavit of Compliance with the service requirements contained in Minn. Stat. 45.028 was filed by the Department on April 14, 1993.

2. The Licensee did not file a Notice of Appearance on contact the Administrative Law Judge concerning reasons for his nonappearance in this matter.

3. The allegations contained in the Notice and Order for Hearing are adopted herein as Findings of Fact.

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

CONCLUSIONS OF LAW

1. The Administrative Law Judge and the Commissioner of Commerce have jurisdiction in this matter pursuant to Minn. Stat. 14.50 and 45.027 (1992). The Notice of Hearing was proper in all respects and the Department has complied with all substantive and procedural requirements of law and rule.

2. The Licensee, having failed to appear the hearing in this matter, is in default. Pursuant to Flinn. Rules, pt. 1400.6000, the allegations and issues set out in the Notice and Order for Hearing are hereby taken as true.

3. The Licensee has violated Minn. Stat. 45.027; 60A.17, subd. 6c; 60K.11, subd. 1; and Minn. Rules, pt. 2795.1000 and 2795.0700 (1991).

4. Disciplinary action is warranted based on the violations set forth above and is in the public interest.

Based upon the foregoing Conclusions of Law, the Administrative Law Judge makes the following:

RECOMMENDATION

IT IS RESPECTFULLY RECOMMENDED: That the Commissioner of Commerce take appropriate disciplinary action herein.

Dated this day of May, 1993.

PETER C. ERICKSON

Administrative Law Judge

NOTICE

Pursuant to 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.

Reported: Default