

72B.08 DENIAL, SUSPENSION AND REVOCATION OF LICENSES.

Subdivision 1. **Causes.** The commissioner may suspend, revoke, or refuse to issue an initial or renewal license or temporary permit for any of the following causes:

- (a) failure to pass a required examination;
- (b) material misrepresentation or fraud in obtaining or attempting to obtain a license or a temporary permit;
- (c) willful violation of any insurance law or of any provision of sections 72B.01 to 72B.14;
- (d) misappropriation, conversion or illegal withholding of moneys required to be held in a fiduciary capacity;
- (e) materially misrepresenting the terms and effect of any insurance contract, with intent to deceive, or engaging in, or attempting to engage in, any fraudulent transaction with respect to a claim or loss that the licensee or holder of a temporary permit is adjusting and, in the case of a public adjuster solicitor, misrepresenting the services offered or the fees or commission to be charged;
- (f) conviction of a felony under the laws of this state, any other state, the United States, or any foreign country;
- (g) the licensee or holder of a temporary permit has demonstrated incompetency or untrustworthiness to act as an adjuster or public adjuster solicitor;
- (h) refusal to comply with any lawful order of the commissioner.

Subd. 2. **Notice.** If an application for a license or temporary permit is rejected by the commissioner, the commissioner shall forthwith give written notice to the person concerned, mailed to that person's last known address. The notice shall state the reason for the action.

Subd. 3. **Hearing.** Except when an application is rejected for failure to pass a required examination, the person aggrieved by the action of the commissioner shall be entitled to a hearing before the commissioner or the commissioner's delegate, provided that such person files a written request for such hearing with the commissioner prior to the expiration of 30 days from the date of notice specified in subdivision 2. If no hearing is requested within 30 days from the date of the notice, the action taken by the commissioner shall continue in effect until modified or vacated. If a hearing is timely requested, the commissioner shall set a date for such hearing not later than 30 days after the date of receipt of the request for hearing. Pending the hearing or any judicial review of such hearing, the commissioner may modify or vacate the action taken or extend it until final determination.

After the hearing, the commissioner shall enter an order either vacating the prior action, confirming the prior action or otherwise disposing of the matter as the facts require.

Subd. 4. **Suspension or revocation of license or permit.** When the commissioner has information, which if true, would be grounds for suspension, revocation, or refusal to issue a renewal license or a temporary permit, the commissioner may order the licensee or holder of the temporary permit to appear for a hearing pursuant to chapter 14, to determine the facts of the case and to determine whether the license or permit should be suspended or revoked, or whether it should not be renewed. The order shall fix the time and place for the hearing. After the hearing, the commissioner shall enter an order either dismissing the matter or suspending or revoking the license or temporary permit, or otherwise disposing of the matter as the facts require. Pending the results of the hearing, the licensee or permit holder may continue to act under the license or permit.

Subd. 5. **Judicial review.** Any final order of the commissioner shall be subject to judicial review.

Subd. 6. **Procedure.** Any hearing or judicial review shall be in accordance with the contested case provisions of chapter 14.

Subd. 7. **Voluntary action by licensee or holder of permit.** The commissioner may request a voluntary revocation or suspension of a license or temporary permit and may enter into stipulations in accordance with the request whereby the licensee or holder of a temporary permit shall waive all further right to a hearing or judicial review.

Subd. 8. **Bond.** In the case of any licensee or permit holder who has had a license or permit suspended or revoked or whose license renewal has been prohibited by a lawful order of the commissioner, the commissioner may condition the issuance of a new license on the filing of a surety bond in an amount not to exceed \$10,000, made and conditioned in accordance with the requirements of section 72B.04, subdivision 4, relating to public adjusters' bonds. Nothing in this subdivision shall reduce or alter the bonding requirements for a public adjuster.

Subd. 9. **Civil and criminal liability.** This section shall not relieve a person from civil liability or from criminal prosecution under sections 72B.01 to 72B.14 or any other law of this state.

History: 1971 c 704 s 8; 1979 c 141 s 7; 1982 c 424 s 130; 1986 c 444