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## Responding To An MIA Complaint Inquiry

- Background.
  - Letter From MIA Outlining The Nature Of The Complaint;
  - Request For Information And Documents;
  - Letter **Does Not** Limit Scope Of Investigation.
  
- Penalties.
  - Standard – revocation or suspension of license. Ins. Art. § 10-126(a),(b);
  - Alternative – Penalty of not less than \$100, and not exceeding \$500, for each violation. Ins. Art. § 10-126(c);
  - Restitution. Ins. Art. § 10-126(d);
  - Report of Adverse Administrative Action. Within 30 days, must report adverse administrative action by another State or another unit of Maryland government. Ins. Art. § 10-126(f).
  - Crimes. If a producer is prosecuted for a crime in any jurisdiction, other than a misdemeanour motor vehicle

laws, must report to Commissioner within 30 days. Ins. Art. § 10-126(g).

- Child Support. Can be denied license or suspended for failure to pay child support for more than 120 days or failure to comply with subpoena from Child Support Enforcement Administration.
- Review All Documents Carefully.
  - MIA Letter, Complaint, Other Documents.
- Notification Of:
  - E&O Carrier – Potential Failure To Notify Defense;
  - Erie – Producer Agreement?;
  - Other State Regulators;
  - All **Final** Orders Posted On MIA Web Site.
- Determine Whether To Hire Counsel.
- Contact The Investigator:
  - Show Respect;
  - Obtain A Clear Understanding Of The Nature And Scope Of The Problem;
  - Obtain A Clear Understanding Of The Issues Under Review – (And Those That Are Not Under Review);
  - Obtain A Clear Understanding Of The Information And Documents Requested;

- Take The Investigator's Temperature.
- Provide Precisely The Information and Documents The Administration Asks For, **But Make A Determination As To The Best Method Or Means To Provide The Information.**
- Do Not Be Defensive.
- Explain How And Why This Complaint Should Be Resolved Quickly, And Without Any Violation, If Possible.
- After Submitting Information And Documents, Contact Investigator Again:
  - Offer To Answer Any Additional Questions;
  - Provide Additional Information;
  - Take The Investigator's Temperature.

## **Responding To An MIA Determination Letter**

- Immediately Determine Whether To Appeal And Whether To Retain Counsel.
- **File Any Appeal Within 10 Days, To Stay The Effect Of The Order. Ins. Art. § 2-212.**
- Request Documents From The Administration:
  - Request For Documents;
  - PIA Request.
- At The Hearing, Tell Your Complete Story:
  - Your Work/Career Background;
  - Your Explanation;
  - The Effect That This Order Will Have On You Personally;
  - Other Issues The Deputy Commissioner Should Consider.

**Tips On E&O Issues/  
Avoiding And Responding To MIA Complaints**

- Really Listen To Clients And Communicate With Them.
- Document, Document, Document – You Are Creating Evidence.
- Think Through Your Office Procedures And Protocols – What Can You Defend? What Story Would You Like To Tell?
- Have A Story To Tell About Continuing Education, Internal And External.