

**STATE OF MAINE
BUREAU OF INSURANCE**

**In re:
JOSEPHINE CONNOLLY
Maine License # PRN 151129
National Producer # 8486283**

**Docket No. INS-11-202
CONSENT AGREEMENT**

This document is a Consent Agreement authorized by Title 10 M.R.S.A. § 8003(5), entered into among Josephine Connolly, a resident of Arizona; the Maine Superintendent of Insurance; and the Maine Office of the Attorney General. Its purpose is to resolve, in lieu of an adjudicatory proceeding, a violation of the Insurance Code for which the Superintendent may impose discipline pursuant to Title 24-A M.R.S. §1417(1) and §§1420-K(1)(A).

STATEMENT OF FACTS

1. The Superintendent of Insurance is the official charged with administering and enforcing Maine's insurance laws and regulations, and the Bureau of Insurance is the administrative agency with such jurisdiction. The Superintendent has jurisdiction over this matter pursuant to the Insurance Code generally, Title 24-A Maine Revised Statutes, in particular, 24-A M.R.S. §§ 12-A, 211, and 229, as well as other provisions.
2. Josephine Connolly has been licensed in Maine as a nonresident insurance producer since March 11, 2008. Her Maine Producer Number is PRN151129. Her National Producer Number is 8486283.
3. When Ms. Connolly applied for a Maine Nonresident Producer License, she answered "No" to the following background question on the application form which she electronically filed: "Have you ever been convicted of, or are you currently charged with, committing a crime, whether or not adjudication was withheld?"
4. The application included Ms. Connolly's "Certification and Attestation" with the statement:

"I hereby certify that, under penalty of perjury, all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties."

5. Upon review of the application, and in reliance upon the representations made in it, Bureau staff approved Ms. Connolly's application and issued the producer license, effective March 11, 2008.
6. In fact, at the time of her application, Ms. Connolly was the subject of a pending charge of Harassment by Communication in the State of Arizona, of which she ultimately was convicted, by a plea of guilty on June 23, 2008.

7. By subsequent written communication in 2010, Ms. Connolly stated: "The misdemeanor has nothing to do with any type of insurance related situation, which is the reason for the delay in advising you."
8. The criminal disclosure response required by the uniform license application is not limited to matters involving insurance.

CONCLUSIONS OF LAW

9. The application form's disclosure questions specifically require disclosure of pending criminal charges. Ms. Connolly provided incorrect, misleading, incomplete or materially untrue information in her 2008 Maine application by failing to disclose the Arizona misdemeanor with which she was currently charged, and certifying in the application that the information was true and complete.
10. The provision of incorrect, misleading, incomplete or materially untrue information in a license application constitutes grounds for denial of the license application, revocation of the license, or other appropriate action, including the imposition of a civil penalty, under 24-A M.R.S. §1420-K(1)(A).

COVENANTS

11. Josephine Connolly, the Maine Superintendent of Insurance, and the Maine Office of the Attorney General agree to the following.
12. This Consent Agreement is entered into in accordance with 10 M.R.S. § 8003(5)(B) and is enforceable by an action in the Superior Court.
13. This Consent Agreement is not subject to appeal. Ms. Connolly waives any further hearings or appeals regarding the matters that are the subject of this Consent Agreement.
14. At the time of executing this Consent Agreement, Ms. Connolly will remit to the Maine Bureau of Insurance a civil penalty in the amount of \$250.00, payable to the Treasurer of the State of Maine.
15. Ms. Connolly will promptly report any matters to the Maine Bureau of Insurance during all times as she is licensed through the Bureau, to the extent such reporting is required under the Maine Insurance Code, and will comply in all other respects with the provisions of the Maine Insurance Code, as applicable.
16. Ms. Connolly understands and acknowledges that this Agreement will constitute a public record within the meaning of 1 M.R.S. § 402, and will be available for public inspection and copying as provided for by 1 M.R.S. § 408, and will be reported to the NAIC "RIRS" database.
17. In consideration of the licensee's execution of and compliance with the terms of this Consent Agreement, the Superintendent of Insurance, the Bureau of Insurance, and the Office of the Attorney General agree to forgo pursuing further disciplinary measures or other civil or administrative sanctions available under the Maine Insurance Code for the specific conduct described in this Consent Agreement, other than those agreed to herein. However, should Ms. Connolly violate this Consent Agreement, she may be subject to any available legal remedy for the violation, including without limitation the suspension or revocation of all licenses issued under the Maine Insurance Code.

18. Nothing in this Agreement shall affect the rights or interests of any person who is not a party to this Agreement.

Josephine Connolly

Dated: March 23rd, 2011

Josephine Connolly

THE MAINE SUPERINTENDENT OF INSURANCE

Dated: March 31 , 2011



Mila Kofman, Superintendent

FOR THE OFFICE OF THE ATTORNEY GENERAL

Dated: March 28, 2011

Assistant Attorney General

Jonathan R. Bolton_____
(printed name)