

**STATE OF MAINE
BUREAU OF INSURANCE**

In re:

**COLEMAN P. WALSH, JR.
Maine License # ADR 152536
National Producer # 10752074**

Docket No. INS-12-224

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CONSENT AGREEMENT

INTRODUCTION

This document is a Consent Agreement authorized by 10 M.R.S. § 8003(5), entered into among and between Coleman P. Walsh, Jr., a resident of Maine; the Superintendent of the Maine Bureau of Insurance; and the Office of the Maine 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 24-A M.R.S. §§ 12-A, 1417 and 1476, and 10 M.R.S. § 8003(5)(A-1).

PARTIES

1. The Superintendent of Insurance is the official charged with administering and enforcing Maine's insurance laws. The Superintendent has jurisdiction over this matter pursuant to the Insurance Code generally, Title 24-A Maine Revised Statutes, and in particular 24-A M.R.S. §§ 12-A, 211, and 229.
2. Coleman P. Walsh, Jr. has been licensed in Maine as a resident insurance adjuster since 2008. His Maine Adjuster License Number is ADR 152536. His National Insurance Producer Registry Number is 10752074.

APPLICABLE LAW

3. Under 24-A M.R.S. § 1417, after notice and opportunity for hearing, the Superintendent may place on probation, suspend, revoke, or refuse to issue or renew an insurance adjuster's license for any of the causes listed in 24-A M.R.S. § 1420-K, which causes include violating the Insurance Code or rules promulgated thereunder. The Superintendent may further levy civil penalties for such violations pursuant to 24-A M.R.S. § 12-A or 10 M.R.S. § 8003(5)(A-1)(3). Pursuant to 10 M.R.S. § 8003(5)(B), the Superintendent may resolve a complaint by entering into a consent agreement among and between the Bureau of Insurance, a licensee, and the Attorney General.
4. Title 24-A M.R.S. § 1476(1) provides: "An adjuster seeking to provide adjusting services to an insured for a fee to be paid by the insured may not solicit or offer an adjustment services contract to any person for at least 36 hours after an accident or occurrence as a result of which the person might have a potential claim."

FACTS

5. On Monday, February 27, 2012, at 2:41 P.M. and at 8:58 P.M., Mr. Walsh left two telephone messages for the owners of property in Wiscasset, Maine which had been the subject of a fire at approximately 4:15 on Sunday afternoon, February 26, 2012.
6. The telephone messages concerned his services as an adjuster, and both occurred within 36 hours of the loss, in violation of 24-A M.R.S. § 1476(1).
7. Mr. Walsh has previously been the subject of a consent agreement in 2010, INS-10-10-206, for a violation of 24-A M.R.S. § 1476(1) that occurred in connection with a fire in 2009. Under that consent agreement, Mr. Walsh's license was suspended for ten days and he was required to pay a civil penalty.

COVENANTS

8. Coleman P. Walsh, Jr., the Maine Superintendent of Insurance, and the Office of the Maine Attorney General agree to the following.
9. This Consent Agreement is entered into in accordance with 10 M.R.S. § 8003(5)(B). This Consent Agreement is enforceable by an action in the Superior Court.
10. This Consent Agreement is not subject to appeal. Mr. Walsh waives any further hearings or appeals regarding the matters that are the subject of this Consent Agreement.
11. At the time of executing this Consent Agreement, Mr. Walsh will remit to the Maine Bureau of Insurance a civil penalty in the amount of \$500.00, payable to the Treasurer of the State of Maine.
12. For 30 calendar days from the date of this Consent Agreement, which shall be the date of the Superintendent's signature below, Mr. Walsh's insurance adjuster's license shall be suspended. During the period of suspension, Mr. Walsh shall not engage, directly or indirectly, for himself or for others, in activities that require adjuster licensing.
13. For a period of one year following the period of suspension, Mr. Walsh's insurance adjuster's license shall be on a probationary status.
14. Mr. Walsh 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.
15. 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

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 Mr. Walsh violate this Consent Agreement, he 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.

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

SIGNATURES

COLEMAN P. WALSH, JR.

Dated: 10-9-, 2012



THE MAINE SUPERINTENDENT OF INSURANCE

Dated: 10/12, 2012


Eric A. Cioppa, Superintendent

OFFICE OF THE MAINE ATTORNEY GENERAL

Dated: Oct 12, 2012


Assistant Attorney General
Jonathan R. Bolton
(Printed Name)