

In re:
BEVERLY J. WHITAKER
Maine License # PRN 170072
National Producer # 9361168

STATE OF MAINE
BUREAU OF INSURANCE

Docket No. INS-12-240

CONSENT AGREEMENT

This document is a Consent Agreement authorized by Title 10 M.R.S. § 8003(5), entered into among Beverly J. Whitaker, a resident of Massachusetts; the Superintendent of the Maine Bureau of Insurance; and the Maine Office of the Attorney General. Its purpose is to resolve, in lieu of an adjudicatory proceeding, violations 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. Beverly J. Whitaker has been licensed in Maine as a nonresident insurance producer since September 23, 2009. Her Maine Producer Number is PRN 170072. Her National Producer Number is 9361168.
3. In January 2012, Ms. Whitaker entered into a settlement agreement with the Commonwealth of Massachusetts Division of Insurance resolving her failure to report to the Division a 2007 Acceptance, Waiver and Consent ("AWC") with the Financial Industry Regulatory Authority ("FINRA"). The Massachusetts settlement agreement specifically stated that it was a reportable action.
4. By letter dated August 20, 2012, in response to an inquiry from the Bureau of Insurance regarding why she had not reported the Massachusetts settlement, Ms. Whitaker stated: "I didn't understand that there is an obligation to report administrative actions in other jurisdictions."
5. On August 10, 2012, the State of California Department of Insurance denied Ms. Whitaker's application for an insurance producer license, based upon the FINRA action.
6. As of November 6, 2012, Ms. Whitaker has not reported the California action to the Bureau.

CONCLUSIONS OF LAW

7. Under 24-A M.R.S. §1420-P(1): "A producer shall report to the superintendent any administrative action taken against the producer in another jurisdiction or by another governmental agency in this State within 30 days of the final disposition of the matter. This report must include a copy of the order, consent to order or other relevant legal documents."

8. Ms. Whitaker has violated §1420-P(1) by failing to report the Massachusetts action within 30 days.
9. Ms. Whitaker has further violated §1420-P(1) by failing to report the California action.
10. Violating any insurance laws 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)(B).

COVENANTS

11. Beverly J. Whitaker, 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). This Consent Agreement is enforceable by an action in the Superior Court.
13. This Consent Agreement is not subject to appeal. Ms. Whitaker 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. Whitaker 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.
15. Ms. Whitaker 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. Whitaker 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 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. Whitaker 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.

[SIGNATURE PAGE FOLLOWS]

Beverly J. Whitaker

Dated: 1-9, 2013


Beverly J. Whitaker

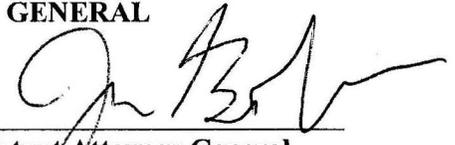
THE MAINE SUPERINTENDENT OF INSURANCE

Dated: 7/23, 2013


Eric A. Cioppa, Superintendent

FOR THE OFFICE OF THE ATTORNEY GENERAL

Dated: 7/9, 2013


Assistant Attorney General
Jonathan R Bolton
(printed name)