

**In re:**  
**LEIGH MONTGOMERY**  
**Maine License # PRN194493**  
**National Producer # 16371084**

**STATE OF MAINE**  
**BUREAU OF INSURANCE**

**Docket No. INS-13-206**

**CONSENT AGREEMENT**

This document is a Consent Agreement authorized by Title 10 M.R.S. § 8003(5), entered into among Leigh Montgomery, a resident of Kansas; 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. Leigh Montgomery has been licensed in Maine as a nonresident insurance producer since September 20, 2011. Her Maine Producer Number is PRN194493. Her National Producer Number is 16371084.
3. When Ms. Montgomery applied for a Maine Nonresident Producer License, she answered "No" to the following background question on the electronic application form which she filed: "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?"
4. The application included Ms. Montgomery'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. Staff of the Maine Bureau of Insurance approved Ms. Montgomery's application and issued the producer license.
6. On April 14, 2013, documents were posted to the National Insurance Producer Registry (NIPR) regarding an Order of Denial of Unrestricted License and Issuance of Restricted License and for Monetary Penalty issued by California on March 20, 2013. The basis of this action was Ms. Montgomery's failure to report a misdemeanor conviction for shoplifting when she applied for a license in that state.

7. Upon further inquiries from the Maine Bureau of Insurance, Ms. Montgomery advised that she had been convicted upon a plea of guilty of misdemeanor theft-shoplifting in Nebraska on February 21, 2008.

8. Ms. Montgomery stated in an e-mail to the Maine Bureau of Insurance that "...after spending the night in jail, paying no fine and with no follow up court date, I thought it was resolved and not something that would show up on my record."

### CONCLUSIONS OF LAW

8. The application form's disclosure questions specifically ask whether the applicant has "ever been convicted of a crime."

9. Ms. Montgomery obtained her license based in part upon incorrect, misleading, incomplete or materially untrue information in her Maine application for nonresident producer licensing, by failing to disclose the misdemeanor conviction when she applied, and certifying 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. Leigh Montgomery, 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. Montgomery 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. Montgomery 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. Montgomery 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. Montgomery 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.

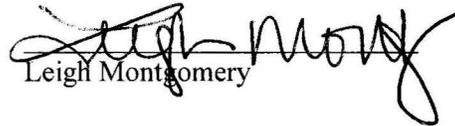
17. In consideration of the licensee's execution of and compliance with the terms of this Consent Agreement, the Superintendent of Insurance, the Bureau of Insurance, and Office of the Attorney General agree to forgo pursuing further disciplinary measures or other civil or administrative sanctions available under the Maine Insurance Code for the specific conduct described in this Consent Agreement, other than those agreed to herein. However, should Ms. Montgomery 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. Ms. Montgomery further acknowledges and agrees that, upon execution of this Consent Agreement, each of the Covenants herein shall constitute an order of the Superintendent.

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

**LEIGH MONTGOMERY**

Dated: 08/09/13

  
Leigh Montgomery

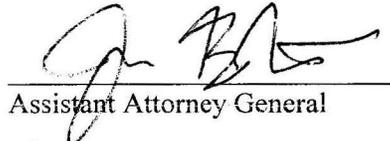
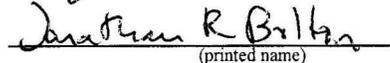
**THE MAINE SUPERINTENDENT OF INSURANCE**

Dated: 8/22, 13

  
Eric A. Cioppa, Superintendent

**FOR THE OFFICE OF THE ATTORNEY GENERAL**

Dated: August 20, 2013

  
Assistant Attorney General  
  
(printed name)