

**In re:**  
**Betty J. Hosie**  
**National Producer # 7951898**

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

**Docket No. INS 05-226**

**CONSENT AGREEMENT**

This document is a Consent Agreement authorized by Title 10 M.R.S.A. § 8003(5), entered into among Betty J. Hosie, a resident of Florida; the Maine Bureau of Insurance; and the Maine Department of the Attorney General. Its purpose is to resolve, in lieu of an adjudicatory proceeding, issues implicating Title 24-A M.R.S.A. §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.
2. Betty J. Hosie applied for a Maine Nonresident Adjuster License in November, 2004.
3. Item 2 on the Maine "Application for Adjuster License" form as filed in connection with this application required a response to the following question, which employed the same wording as the NAIC Uniform Application for Producer Licensing:  
  
"Have you or any business in which you are or were an owner, partner, officer or director ever been involved in an administrative proceeding regarding any professional or occupational license? 'Involved' means having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, placed on probation or surrendering a license to resolve an administrative action. 'Involved' also means being named as a party to an administrative or arbitration proceeding which is related to a professional or occupational license. 'Involved' also means having a license application denied or the act of withdrawing an application to avoid a denial. You may exclude terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee."  
  
4. Ms. Hosie answered "No" to Item 2.
5. The application included Ms. Hosie's signature dated "11-12-2004" under 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."  
  
6. Staff of the Maine Bureau of Insurance discovered, through its routine application review process, that the State of North Carolina had denied Ms. Hosie's license application in January 2004.

7. The Supervisor of Licensing for the Maine Bureau of Insurance requested, by letter dated December 20, 2004, an explanation for Ms. Hosie's failure to disclose the North Carolina license denial.

8. Ms. Hosie's written reply dated July 1, 2005 included an explanation of the underlying events and stated, in connection with the nondisclosure:

"Explanation for responding no to Question 2 regarding whether involved in an administrative action regarding my professional or occupational license:

"I have filled out numerous state non-resident adjuster license applications that followed or patterned their applications after the standard NAIC form for producers. In addition, many of the forms I filled out did not follow the standard NAIC form. Therefore, the questions were not all the same. With each application I answered the series of questions.

"In particular, on Question 2 of the Maine application I answered no. My North Carolina application was denied based upon a North Carolina statute that precludes granting licenses when there is child support arrearage. The denial was not based on any other formal action. After reviewing the complete definition of 'involve' I now realize that it also means when an application is refused.

"I would ask that my answer is shown as a yes."

## **CONCLUSIONS OF LAW**

9. The application form's disclosure questions specifically require disclosure of insurance administrative matters. Ms. Hosie provided incorrect, misleading, incomplete or materially untrue information in her Maine application for nonresident adjuster licensing by failing to disclose the North Carolina license denial when she applied, certified by her signature that the information was true and complete, and has not provided an adequate legal explanation for this failure to provide accurate information.

10. The provision of incorrect, misleading, incomplete or materially untrue information in the license application constitutes grounds for denial of the license application or other appropriate action, including the imposition of a civil penalty, under 24-A M.R.S.A. §1420-K(1)(A).

## **COVENANTS**

11. Betty J. Hosie, the Maine Bureau of Insurance, and the Maine Department of the Attorney General agree to the following.

12. This Consent Agreement is entered into in accordance with 10 M.R.S.A. § 8003(5)(B) and is not subject to review or appeal. This Consent Agreement is enforceable by an action in the Superior Court.

13. At the time of executing this Consent Agreement, Ms. Hosie will remit to the Maine Bureau of Insurance a civil penalty in the amount of \$100.00, payable to the Treasurer of the State of Maine.

14. Ms. Hosie 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.

15. In consideration of the applicant's execution of this Consent Agreement, the State of Maine Bureau of Insurance shall issue the Nonresident Adjuster License for which she has applied.

16. Ms. Hosie understands and acknowledges that this Agreement will constitute a public record within the meaning of 1 MRSA § 402, and will be available for public inspection and copying as provided for by 1 MRSA § 408, and will be reported to the NAIC "RIRS" database.

17. In consideration of the applicant's execution of and compliance with the terms of this Consent Agreement, the Superintendent of Insurance, Bureau of Insurance, and Department of the Attorney General agree to forgo pursuing further disciplinary measures or other civil or administrative sanction for the actions described in this Consent Agreement, other than those agreed to herein. However, should Ms. Hosie 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 to the applicant 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.

**Betty J. Hosie**

Dated: \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Betty J. Hosie

State of Florida, \_\_\_\_\_, ss

Subscribed and Sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(printed name)

**THE MAINE BUREAU OF INSURANCE**

Dated: \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_

By Alessandro A. Iuppa, Superintendent

**FOR THE DEPARTMENT OF THE ATTORNEY GENERAL**

Dated: \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
**Assistant Attorney General**

\_\_\_\_\_  
(printed name)