

**STATE OF MAINE
BUREAU OF INSURANCE**

Docket No. INS-08-225

CONSENT AGREEMENT

This document is a Consent Agreement authorized by Title 10 M.R.S.A. § 8003(5), entered into among Charles F. Perks, a resident of Florida; the Maine Superintendent 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. Charles F. Perks applied for a Maine Nonresident Producer License in May, 2008.
3. Item 2 of the background questions on the application form electronically filed in connection with this application required a response to the following question:

“Have you or any business in which you are or were an owner, partner, officer or director, or manager of limited liability company, ever been involved in an administrative proceeding regarding any professional or occupational license, or registration.”

4. Mr. Perks answered “No” to Item (2).
5. The application included Mr. Perks's “Certification and Attestation” 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 application review process, that Mr. Perks had also been the subject of actions in the State of Florida in 1996 and 1998, including a license revocation and a license suspension.
7. The Supervisor of Licensing for the Maine Bureau of Insurance requested, by letter dated March 24, 2008, an explanation for Mr. Perks's failure to disclose the Florida matters, and requested relevant documentation.
8. Mr. Perks's reply to the Bureau's letter, received June 6, 2008, provided a description and documentation, referred to the fact that his Florida license was reinstated, and indicated that he had previously disclosed the matters in other States' applications, but was under the impression that it no longer appeared on his record.
9. On July 9, 2008, the Bureau received further information from Mr. Perks, with documentation indicating that the Florida order involving a revocation was vacated.

Included was a letter from the State of Florida confirming that the revocation should not still be indicated on his record. The documentation established, however, that a suspension followed by a two year period of probation did take place.

CONCLUSIONS OF LAW

10. The application form's disclosure questions specifically require disclosure of insurance administrative matters.
11. Mr. Perks provided incorrect, misleading, incomplete or materially untrue information in his Maine application for nonresident producer licensing by his inaccurate response to disclosure Item (1), and by his failure to disclose the Florida license suspension and probation as described above, and he has not provided an adequate legal explanation for his failure to provide complete and accurate information in the application.
12. 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

13. Charles F. Perks, the Maine Bureau of Insurance, and the Maine Department of the Attorney General agree to the following.
14. 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.
15. At the time of executing this Consent Agreement, Mr. Perks 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.
16. Mr. Perks will promptly report any matters to the Maine Bureau of Insurance during all times as he 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.
17. In consideration of the applicant's execution of this Consent Agreement, the State of Maine Bureau of Insurance shall issue the Nonresident Producer License for which he has applied.
18. Mr. Perks 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.
19. 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 Mr. Perks 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.

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

Charles F. Perks

Dated: August 5, 2008

Charles F. Perks

State of Florida, _____, ss

Subscribed and Sworn to before me
this _____ day of _____, ____.

Notary Public

(printed name)

THE MAINE SUPERINTENDENT OF INSURANCE

Dated: September 4, 2008

Mila Kofman, Superintendent

FOR THE DEPARTMENT OF THE ATTORNEY GENERAL

Dated: August 28, 2008

Assistant Attorney General

(printed name)