

**STATE OF MAINE  
BUREAU OF INSURANCE**

**Docket No. INS-08-226**

**CONSENT AGREEMENT**

This document is a Consent Agreement authorized by Title 10 M.R.S.A. § 8003(5), entered into among Theresa Ann Jones, a resident of California; 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. Theresa Ann Jones applied for a Maine Nonresident Producer License in October 2007.
3. While the October application remained pending, Ms. Jones filed a second Maine application in November 2007.
4. While the previous applications remained pending, Ms. Jones filed a third Maine application June 2008.
5. All three applications concerned the same license. Item 1 of the background questions on the application forms electronically filed in connection with Ms. Jones's applications required a response to the following question:  
  
"Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?"
6. In each case, Ms. Jones answered "Yes" to Item (1) and disclosed a 2005 misdemeanor.
7. Item 2 of the background questions on the application forms electronically filed in connection with these applications 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."
8. In each case, Ms. Jones answered "No" to Item (2).
9. The applications included Ms. Jones'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.”

10. Staff of the Maine Bureau of Insurance discovered, through its application review process, that Ms. Jones’s California license was placed on probation as of September 27, 2007 due to the above misdemeanor.

11. Before the filing of the third application, the Supervisor of Licensing for the Maine Bureau of Insurance requested, by letter dated January 14, 2008, an explanation for Ms. Jones’s failure to disclose the California license probation, and requested relevant documentation.

12. Ms. Jones provided documentation of the California action by facsimile in June 2008, but never responded to the issue concerning nondisclosure in the applications, and the inaccurate responses to the relevant background questions.

### **CONCLUSIONS OF LAW**

13. The application form’s disclosure questions specifically require disclosure of criminal convictions and insurance administrative matters.

14. Ms. Jones provided incorrect, misleading, incomplete or materially untrue information in her Maine applications for nonresident producer licensing by failing to disclose the 2007 California license probation when she applied, and certifying through the “Certification and Attestation” on the applications that the information was true and complete, and she has not provided an adequate legal explanation for her failure to provide accurate information in her applications, nor has she responded to the Bureau’s request for such an explanation.

15. 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**

16. Theresa Ann Jones, the Maine Bureau of Insurance, and the Maine Department of the Attorney General agree to the following.

17. 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.

18. At the time of executing this Consent Agreement, Ms. Jones will remit to the Maine Bureau of Insurance a civil penalty in the amount of \$250.00, payable to the Treasurer of the State of Maine.

19. Ms. Jones 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.

20. 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 she has applied.

21. Ms. Jones 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.

22. 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. Jones 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.

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

**Theresa Ann Jones**

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

\_\_\_\_\_  
Theresa Ann Jones

State of California, \_\_\_\_\_, ss

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

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

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

**THE MAINE SUPERINTENDENT OF INSURANCE**

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

\_\_\_\_\_  
Mila Kofman, Superintendent

**FOR THE DEPARTMENT OF THE ATTORNEY GENERAL**

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

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

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