

**In re:**  
**Mark Krupkowski**  
**National Producer # 1305236**

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

**Docket No. INS 04 - 237**

**CONSENT AGREEMENT**

This document is a Consent Agreement authorized by Title 10 M.R.S.A. § 8003(5), entered into among Mark Krupkowski, a resident of Massachusetts; 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. Mark Krupkowski applied for a Maine Nonresident Producer License in June, 2004.

Failure to disclose administrative matter

3. Item 39 (2) on the "Uniform Application for Individual Insurance Producer License" form as 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 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. Mr. Krupkowski answered "Yes" to Item 39 (2), and included information concerning a Massachusetts matter which was resolved by consent agreement in 1999.

5. The application included Mr. Krupkowski's signature dated "06 07 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 applicant had also been the subject of a consent order dated February 3, 2003 in the State of Florida relating to nondisclosure of the Massachusetts matter in his Florida license application, and resulting in a penalty of \$750.00 and a period of license probation.

7. The Supervisor of Licensing for the Maine Bureau of Insurance requested, by letter dated July 19, 2004, an explanation for Mr. Krupkowski's failure to disclose the Florida consent order.

8. Mr. Krupkowski's written reply, dated July 26, 2004, included relevant documentation and stated:

"As indicated in my application to the State of Maine, we paid what was termed an 'administrative assessment' to the State of Massachusetts due to the fact that our company's trade name did not include 'insurance.'

"When I applied to be licensed in the State of Florida, I misconstrued the questions asked by the state about the action taken in Massachusetts. The State of Florida approved my application to be licensed after I paid a \$750.00 administrative penalty. This penalty was entirely related to this action in Massachusetts and was not separate from it in any way.

"Enclosed is a copy of the consent order that approved my license in Florida.

"I apologize for not fully informing your state of this administrative penalty, as my belief was that this was related to the original Massachusetts case."

## **CONCLUSIONS OF LAW**

9. The application form's disclosure questions specifically require disclosure of insurance administrative matters. Mr. Krupkowski provided incorrect, misleading, incomplete or materially untrue information in his Maine application for nonresident producer licensing by failing to disclose the Florida consent order, fine and license probation when he applied, certified by his signature that the information was true and complete, and has not provided an adequate legal explanation for this failure to provide accurate information. The Florida consent order was due to the nondisclosure of the Massachusetts matter, but was not the same matter.

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. Mark Krupkowski, 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, Mr. Krupkowski 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. Mr. Krupkowski 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.

15. 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.

16. Mr. Krupkowski 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 Mr. Krupkowski 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 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.

**Mark Krupkowski**

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

\_\_\_\_\_  
Mark Krupkowski

Commonwealth of Massachusetts, \_\_\_\_\_, 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)