

**STATE OF MAINE
BUREAU OF INSURANCE**

In re:

Thomas Scott Davies

National Producer # 3338134

Docket No. INS 05-211

CONSENT AGREEMENT

This document is a Consent Agreement authorized by Title 10 M.R.S.A. § 8003(5), entered into among Thomas Scott Davies, a resident of New York; 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. Thomas Davies applied for a Maine Nonresident Producer License in February, 2005.

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. Davies answered "No" to Item 39 (2).

5. The application included Mr. Davies's signature dated "2 20 05" 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 been the subject of a consent order dated July 14, 2004 in the State of New Jersey relating to an investigation of an advertising issue, and resulting in the assessment of a fine in the amount of \$1,000.00.

7. The Supervisor of Licensing for the Maine Bureau of Insurance requested, by letter dated March 17, 2005, an explanation for Mr. Davies's failure to disclose the Florida consent order.

8. Mr. Davies's written reply, dated March 21, 2005, included relevant documentation and stated, in connection with the nondisclosure:

“WHEN I WAS ANSWERING THE QUESTIONS ON THE LICENSE APPLICATION, I DID NOT READ THE WHOLE QUESTION. I STOPPED AFTER SUSPENDED OR REVOKED. I SHOULD HAVE READ THE WHOLE QUESTION.

“ONCE AGAIN, I AM SORRY THAT I DID NOT DISCLOSE THIS INFORMATION, IT WAS NOT DONE INTENTIONALLY.”

CONCLUSIONS OF LAW

9. The application form's disclosure questions specifically require disclosure of insurance administrative matters. Mr. Davies provided incorrect, misleading, incomplete or materially untrue information in his Maine application for nonresident producer licensing by failing to disclose the New Jersey consent order and fine 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.

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. Thomas Scott Davies, 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. Davies 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. Davies 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. Davies 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. Davies 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.

Thomas Scott Davies

Dated: _____, _____

Thomas Scott Davies

State of New York, _____, 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)