

**STATE OF MAINE
BUREAU OF INSURANCE**

**In Re:
Judy H. Binney
National Producer # 144382**

Docket No. INS-06-216

CONSENT AGREEMENT

This document is a Consent Agreement authorized by Title 10 M.R.S.A. § 8003(5), entered into among Judy H. Binney, a resident of Washington; 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. Judy H. Binney applied for a Maine Nonresident Producer License in May, 2006.

Failure to disclose administrative matter

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 ever been involved in an administrative proceeding regarding any professional or occupational license”

4. Ms. Binney answered “No” to Item (2).
5. The application included Ms. Binney'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 routine application review process, that Ms. Binney had been subject to an action in the State of Washington as an insurance producer in 1996, resulting in a penalty in the amount of \$250.00.
7. The Supervisor of Licensing for the Maine Bureau of Insurance requested, by letter dated June 2, 2006, an explanation for Ms. Binney's failure to disclose the Washington revocation, and requested relevant documentation.

8. Ms. Binney's written reply, dated June 18, 2006, described the nature of the underlying incident, and regarding her nondisclosure of the matter, explained that she submitted the electronic application too quickly without going back to review the questions.

CONCLUSIONS OF LAW

9. The application form's disclosure questions specifically require disclosure of insurance administrative matters. Ms. Binney provided incorrect, misleading, incomplete or materially untrue information in her Maine application for nonresident producer licensing by failing to disclose the Washington action when she applied, certified through the "Certification and Attestation" on the application 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. The application form's disclosure questions specifically require disclosure of insurance administrative matters. Mr. Shields provided incorrect, misleading, incomplete and materially untrue information in his 2006 Maine application for nonresident producer licensing by failing to disclose the 1993 Connecticut Stipulation and Final Order when he applied, certified by his signature that the information was true and complete, and asserting that he was unaware of the matter.
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. Judy H. Binney, 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, Ms. Binney 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. Ms. Binney 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.

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 she has applied.
18. Ms. Binney 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 Ms. Binney 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.
20. Nothing in this Agreement shall affect the rights or interests of any person who is not a party to this Agreement.

Judy H. Binney

Dated: 8/22/2006

Judy H. Binneys

State of Washington, _____, ss
Subscribed and Sworn to before me
this _____ day of _____, _____.

Notary Public

(printed name)

THE MAINE BUREAU OF INSURANCE

Dated: 9/26/2006

By Alessandro A. Iuppa, Superintendent

FOR THE DEPARTMENT OF THE ATTORNEY GENERAL

Dated: 9/25/2006

Assistant Attorney General

(printed name)

