

John Martin Ficklin
National Producer #8159872

STATE OF MAINE
BUREAU OF INSURANCE

Docket No. INS-07-214

CONSENT AGREEMENT

This document is a Consent Agreement authorized by Title 10 M.R.S.A. § 8003(5), entered into among John Martin Ficklin, a resident of Arizona; the Maine Superintendent and 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. John Martin Ficklin has been licensed in Maine as a nonresident insurance producer since July 18, 2005.
3. When Mr. Ficklin applied for a Maine Nonresident Producer License, he answered "Yes" to the background question on the application form regarding whether he had ever been convicted of, or was currently charged with, any crime.
4. Mr. Ficklin included documentation of a misdemeanor DUI conviction in 1994.
5. The application included Mr. Ficklin's signature dated "06 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. Upon review of the application, and in reliance upon the representations made in it, staff of the Maine Bureau of Insurance routinely approved Mr. Ficklin's application and issued the producer license.
7. In March 2007 Mr. Ficklin notified the Bureau of a Stipulation entered into with the State of New York in February 2007, imposing a \$500 penalty, for failing to disclose a 1994 conviction for assault.
8. By letter to Mr. Ficklin dated March 27, 2007, an Examiner with the Licensing staff of the Maine Bureau of Insurance noted that Mr. Ficklin's original Maine application had failed to

disclose the 1994 assault conviction, and requested information about the nature of the conviction and related documentation, as well as an explanation of the failure to disclose it.

9. Mr. Ficklin's response, received April 27, 2007, contained an explanation of the factual circumstances concerning the conviction as well as documentation, and stated the following in connection with the nondisclosure issue:

"During my initial application I completely forgot about the assault incident. It occurred twelve years ago and was not at the front of my mind while I was filling out the application. I would like to add that I did not mean to take this matter lightly. It was not my intention not to be up front or withhold any information regarding my background. The court documents show it was minor incident that resulted in a \$250 fine. The whole situation had escalated into an embarrassing matter for me and I have since treated it as a (*sic*) learning experience. I apologize for any inconvenience that has brought forth for my failure to disclose the situation."

CONCLUSIONS OF LAW

10. The application form's disclosure questions specifically require disclosure of criminal matters. Mr. Ficklin obtained his license based in part upon incorrect, misleading, incomplete or materially untrue information which he provided in his Maine application for nonresident producer licensing, by failing to disclose the above assault conviction when he applied, and certifying by his signature that the information was true and complete. He has not provided an adequate legal explanation for the failure to provide accurate information at the time of the application and issuance of this license.

11. The provision of incorrect, misleading, incomplete or materially untrue information in a license application constitutes grounds for denial of the license application, revocation of the license, or other appropriate action, including the imposition of a civil penalty, under 24-A M.R.S.A. §1420-K(1)(A).

COVENANTS

12. John Martin Ficklin, the Maine Bureau of Insurance, and the Maine Department of the Attorney General agree to the following.

13. 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.

14. At the time of executing this Consent Agreement, Mr. Ficklin will remit to the Maine Bureau of Insurance a civil penalty in the amount of \$500.00, payable to the Treasurer of the State of Maine.

15. Mr. Ficklin 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.

16. In consideration of the execution of this Consent Agreement, the State of Maine Bureau of Insurance will not pursue further action against Mr. Ficklin's Nonresident Producer License based upon the facts recited in this Consent Agreement.

17. Mr. Ficklin 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.

18. 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. Ficklin 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.

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

John Martin Ficklin

Dated: _____, _____

John Martin Ficklin

State of Arizona, _____, ss

Subscribed and Sworn to before me
this _____ day of _____, 2007.

Notary Public

(printed name)

THE MAINE SUPERINTENDENT OF INSURANCE

Dated: _____, _____

Eric A. Cioppa, Acting Superintendent

FOR THE DEPARTMENT OF THE ATTORNEY GENERAL

Dated: _____, _____

Assistant Attorney General

(printed name)